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ABSTRACT

This report examines the issue of educational choice in detail, beginning with a historical review and concluding with a look at the future of choice in the United States. Focusing on both opposing and supporting sides of the debate, this report examines equity issues, including access to information, adequate and appropriate transportation, fair and objective admission criteria, and segregation issues. Finance issues, such as the costs of including private schools, local funding concerns, and the notion of a flawed rewards-and-sanctions system, are reviewed. Common school and constitutional issues, the supremacy of private schools, and debates surrounding the bureaucratic entrenchment of public education are also highlighted. Information from experts and examples of actual programs are provided for each issue. School-choice programs have demonstrated continued program growth, few dramatic effects, and general parental satisfaction. Regarding the future of school choice, the question appears to be shifting away from "Should there be choice at all?" toward "What kind of choice is appropriate?" Appendices contain a national review of the status of open enrollment/choice programs during 1993, a description of formal choice programs in 14 states, and descriptions of programs in 12 states with limited formal legislation or legislation considered in 1993. (Contains 44 references.) (LMI)

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A NATIONAL REVIEW OF OPEN ENROLLMENT/CHOICE:

Debates and Description

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A NATIONAL REVIEW OF OPEN ENROLLMENT/CHOICE:

Debates and Description

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A NATIONAL REVIEW OF OPEN ENROLLMENT/CHOICE PROGRAMS: *Debates and Descriptions*

EXECUTIVE SUMMARY

Educational choice has been one of the most hotly debated educational reform topics of recent years. In a broad sense, educational choice refers to the practice of permitting parents to choose the school their child will attend. Used interchangeably with the term *open enrollment*, *public school choice* refers specifically to movement within a district (intradistrict choice) or between districts (interdistrict choice) in the public school system. *Private school choice* expands the definition of public school choice to include private schools. Most efforts to create educational choice have focused on public schools, although efforts to move private school choice forward continue, either through legislation, ballot initiatives, or privately funded programs.

This report examines the issue of educational choice in detail, beginning with a historical review and concluding with a look at the future of choice in the United States. A major focus is placed on examining the philosophical debates, with an attempt to present multiple viewpoints. The appendices to this report provide information regarding the extent of educational choice across the United States. A national review is presented in Appendix A detailing the status of choice provisions and activities within each of the 50 states. Appendix B provides more detailed descriptions of choice programs in 14 states that have formal, legislated choice. Several other states have "limited" choice provisions whereby existing or recent statutes allow educational choice. These limited choice provisions are described in Appendix C, along with descriptions of choice legislation proposed in 1993.

Educational choice is a complex educational reform, made more so by the backdrop of philosophical orientations and the few facts that exist about consequences of choice. Briefly, advocates of choice believe that since liberty or choice is a major tenet of a democratic society, families should have the right to choose the schools they feel are best for their children. Also cited by advocates is the notion of market forces. By introducing competition into the complacent bureaucracy of public education, it is believed schools will improve.

Opponents believe that choice systems are inherently inequitable, due primarily to the unequal financing of our schools. They note that the selection of schools will be based on perceived excellence given the lack of real outcome data. In addition, they note that the difficulties of providing adequate transportation serve to limit choices for low-income parents. In general, opponents believe efforts should be placed on enhancing neighborhood schools, not destroying them.

Focusing on both sides of each argument, this report examines equity issues including access to information, adequate and appropriate transportation, fair and objective admission criteria, and segregation issues. Finance issues such as the costs of including private schools, local funding concerns, and the notion of a flawed rewards and sanctions system are reviewed. Common school and constitutional issues, the supremacy of private schools, and debates surrounding the bureaucratic entrenchment of public education are also highlighted. For each issue, information from experts in the field as well as examples from actual programs are provided.

Despite the lack of consensus regarding educational choice, 14 states have moved ahead with either statewide or pilot programs, and many others have considered legislation. State programs differ on several dimensions. For example, state legislation differs in the kind of public school choice addressed (intradistrict or interdistrict). Legislation also differs in the degree of participation required by districts. Districts may be required to engage in choice, their participation may be voluntary, or they may simply be required to develop a policy on their intent to allow or prohibit student transfers. Also dividing programs are the conditions under which students are eligible to participate. In addition, local factors such as the political climate and the amount of importance historically placed on district control, contribute to the diversity of program design.

Through analysis of the existing state programs, conclusions can be drawn which address several points of the debate over choice:

- **Continued Program Growth:** Since being implemented, each state program has seen increases in participation. Although participation is still low (generally between one and three percent), giving choice critics fuel, steady growth is occurring. As expected, the programs which have existed the longest have higher rates of usage, indicating that given the option and awareness of the option, parents will partake of educational choice opportunities.

- **Few Dramatic Effects:** With very few exceptions, there have not been the devastating effects as predicted by opponents of choice; no mass exodus of students from poor schools, school closures, teacher lay-offs, or district bankruptcies have occurred. Even the focus of subsequent legislative changes to educational choice has been on making minor adjustments or "clean-ups" to address issues that were either unclear or problematic rather than radically transforming programs.

  On the other hand, neither have there been the vast improvements as predicted by advocates of choice. However, spotting improvement is unlikely as only Wisconsin is conducting a full scale study, including comparisons between the pilot program and Milwaukee's public schools on key variables such as student achievement, grades, parent involvement, and satisfaction. Other states collect minimal data focused primarily on participation, while a few states collect no data at all. Given the lack of rich data to examine, it is difficult to gauge how much improvement has occurred through choice.

- **General Parental Satisfaction:** Of the five states that collect and analyze reasons parents give for requesting their child attend another school, most have found that parents apply for reasons of educational quality over convenience, although proximity to school is also cited frequently. In addition, the three states that have collected data on parent satisfaction found that parents were very satisfied with the schools they chose for their children.

What does the future hold for school choice? Three general trends can be described after examining the history and current status of educational choice across the country:

- As public school choice has gained more acceptance in legislatures, the focus of the controversy has shifted to private school choice. Policymakers and the public have more difficulty reconciling the notion of giving public money to private institutions than with the idea of providing parents their choice among public schools. With the exception of the Milwaukee Parental Choice Program, private school choice has failed to pass in state legislatures, although, in recent years, it has been proposed in a number of states.

- Educational organizations have softened their former anti-choice stances to accommodate public school choice. The

American Federation of Teachers, the National Education Association, and the National Association of Secondary School Principals have all reversed their positions to acknowledge public school choice. However, their positions against private school choice remain firm.

- Advocates of private school choice have responded to unsuccessful attempts to establish legislation by creating privately funded voucher programs, usually set up by private business groups as charitable trust foundations. These programs generally provide scholarships to low-income students to attend private schools. Such programs are operating around the country, and the movement appears to be growing.

After years of debate, most now agree that school choice, be it public or private, is not a panacea. However, many also agree that it does appear to have a place as part of larger education reform efforts (as long as equity-type provisions such as transportation are included). The question seems to be shifting away from "should there be choice at all?" toward "what kind of choice is appropriate?"

Unfortunately, choice debates will continue since the issue represents a clash of basic values and freedoms. As attempts are made to increase parental choice and excellence as driven by competition, efforts to ensure student equity and system efficiencies are challenged. A successful choice system must involve a balance of these values. To date, little attempt has been made to reconcile these differences since both critics and advocates believe compromise means a complete loss. Until people examine all aspects of the debate and realize that no one is 100 percent wrong or right, choice will remain a major controversial public policy issue for decades to come.

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A NATIONAL REVIEW OF OPEN ENROLLMENT/CHOICE: *Debates & Descriptions*

INTRODUCTION

Perhaps one of the most controversial educational policies currently being debated involves that of educational choice. Listed by *Governing* as one of the top 10 legislative issues to watch during the early 1990s, the concept continues to gain momentum (Katz, 1992). Generally, proponents contend that parents should have the liberty to choose any public or private school for their children, with state funding supporting all or a portion of the costs. Since public schools can be viewed as a monopoly, many feel that introducing competition will serve as a powerful reform incentive toward excellence. Parents who currently cannot afford to pay tuition charges have no option but to send their children to neighborhood schools. As former Secretary of Education Lauro F. Cavazos noted in 1989:

> Some may disagree on the best way to give parents more options to choose from, and on how choice programs can be used to build better schools. But the jury is already in on this one: choice will be a critical element in education reform for years to come. Indeed, it may prove to be the linchpin in our common efforts to ensure all Americans—black and white, rich and poor, Asian and Native Americans, Hispanics, and the handicapped—have access to a quality education. (p. 8)

The principles of liberty, equity, efficiency, and excellence are readily visible within this debate. Both proponents and critics alike use these principles to garner support of policymakers and the public. Underlying the argument in favor of choice is the concept of *liberty*—that all parents should have the freedom to choose the school which best meets the needs of their child. The quality of education should not be based upon a family's ability to live in a more affluent neighborhood; and, hence, by providing access to all schools, greater *equity* can be achieved. *Efficiency* is instrumental because competition will force many schools to improve their operations. *Excellence* will be the net outcome since only the best schools would remain in business. These are principles that most Americans want maximized and against which policy processes and products are judged; they are deeply rooted in our heritage.

Critics also use these same principles to establish their positions. Freedom to choose (i.e., liberty) the best school for a child is weighted in favor of parents who are more highly educated themselves and are proactive in seeking out information on which to make a decision. Undermining the notion of equity are the difficulties of providing adequate transportation for all students to attend their school of choice and the unequal financing of our schools. Therefore, many believe that establishing a system whereby already underfunded districts lose students does little to support efforts on their part to improve. Efficiency of schools is placed at-risk for districts faced with declining enrollment and dwindling resources. Finally, many believe that the selection of schools will be based on "perceived" excellence rather than real excellence. Until better measures of academic outcomes are established, in addition to the parent training necessary to understand these assessments, choices will be made on many factors other than excellence.

This report will examine the issue of choice in detail. General arguments will be broadened and information relative to actual practice will be illustrated. The debate is emotional and grounded in few facts. The goal is to provide the reader with key philosophical arguments as well as empirical data regarding educational entities already implementing some dimension of a choice system. To that end, the body of the report highlights the key issues of the choice debate, offering an historical review and multiple viewpoints on the key controversies surrounding the choice debate. Appendices

A-C offer a state-by-state profile of specific choice legislation and activities during 1993.

CHOICE DEFINED

Before examining the debate, several definitions are necessary. ***Public school choice*** refers to a system which allows students to attend any public school or district within their state regardless of their geographic residence; ***open enrollment*** is frequently used as a synonymous term. Currently, most students must attend a school within a designated attendance area of their resident district. Although many states allow student transfers at the discretion of local districts, the charging of tuition is fairly common when a parent wishes to enroll a child outside the district of residence. Under most formal public school choice programs, parents are no longer charged tuition to attend another district. Districts or schools are generally required to accept all resident students, followed by all nonresident pupils who wish to attend pending capacity, availability of program, and/or federal desegregation orders.

Within a public school choice system, two types of transfers are possible. ***Intradistrict*** enrollment allows the parent to seek enrollment in another school *within* the same district. ***Interdistrict*** enrollment allows the parent to seek enrollment in *another* district. A comprehensive public school choice system would allow both intradistrict and interdistrict options.

A broader concept of public school choice implies that parents will have several diverse options for the schooling of their children. These may include the opportunity to move between public schools; *dually enroll* in post-secondary education institutions; select from a broad array of *magnet schools* that emphasize specific subjects or modes of instruction (e.g., science, fine arts, the "basics"); or attend a *charter school* in which teams of teachers and community members operate the school under contract with an oversight body such as a school district governing board.

Finally, ***private school choice*** is the term used when a state contemplates allowing private schools to be included in their choice plans. A ***voucher*** is a mechanism whereby all parents would receive a certificate (for each of their school-aged children) worth a certain dollar amount when redeemed at a school of their choice. ***Tuition tax credits*** represent an alternative funding method in that parents would continue to pay tuition to private schools, but receive a tax credit for all or some of the tuition charges.

The plethora of similar terms contributes to a misunderstanding of the various programs being initiated across the country and what outcomes these programs have achieved. For example, student achievement gains that followed the implementation of School District 4's choice program in Harlem (New York City) are frequently used as evidence to support statewide choice programs. However, District 4's program actually involves the development of magnet schools within a single school district. Individual schools are competing for students, not districts across the state. Student transportation is not an issue because the district encompasses only one square mile within New York City and several schools are located within the same building (Lieberman, 1990). These circumstances are very different from a statewide system. This example is offered not to pass judgment on District 4's program, but to illustrate how this debate involves concepts and terms not always interchangeable. Caution is urged to carefully understand the details before taking a stand on the choice debate.

In this report, three key terms will be used. ***Public school choice*** or ***open enrollment*** will be used when referring specifically to movement within or between the public school system. ***Private school choice*** will be used when referring to the inclusion of private schools. ***Choice*** will be used when discussing the more general philosophical issues of either system. Due to space limitations and overall general acceptance by policymakers and the public, other options (e.g., magnet schools, post-

secondary enrollment, charter schools) are not specifically addressed in this report.

HISTORICAL REVIEW

As with other controversial education issues, roots of the choice debate can be tracked over time. Kirkpatrick (1990) traces the notion of competition and vouchers to Adam Smith's *Wealth of Nations* in 1776 and Thomas Paine's *The Rights of Man* in 1792. Over two centuries ago, Smith voiced concerns about teachers being public employees rather than educational entrepreneurs. He believed that anyone paid from the public purse—including teachers—lacked the motivation for performance possessed by those in the private realm; therefore, some means to introduce competition into the system was essential. Paine took this idea one step further by proposing that England provide each pupil with an education allowance good for six years at any school of choice. His theory was that educational choice would promote competition and lead to the success and profitability of the best schools. Similar ideas arose in France during the 1880s and again in England during the 1920s. Specific actions were later taken in France in 1959 and in England in 1988 to operationalize these concepts.

The contemporary debate over choice was initiated in the United States by Milton Friedman in his 1955 book, *Economics and the Public Interest* (Underwood, 1991; Witte, 1991a). As a method of introducing free market forces into the education system, Friedman advocated a system in which parents would receive a tuition voucher. Writers at that time offered the Servicemen's Readjustment Act of 1944 (i.e., GI Bill) as an example. Under this act, millions of American servicemen from World War II received public monies to attend public and private institutions—including proprietary schools, seminaries, and other religious schools. Kirkpatrick (1990) notes that few questions were raised about the constitutionality, the separation of church and state, or whether this freedom of choice was anything but a benefit to the individuals involved.

In 1970, the U.S. Office of Economic Opportunity released a report calling for implementation of a "regulated compensatory voucher," one that provided more money for students with special needs but did not allow parents to add money to the value of the voucher. Although the original goal was to include both public and private schools in the experiment, not only was recruiting school districts difficult, but state law restrictions were also found. These concerns reduced the pilot to one of intradistrict options within a single public school district—Alum Rock in California (Levin, 1991a).

This five year pilot, which began in 1972, became the focus of a national debate as word of the pilot program spread. For example, at its annual meeting in 1970, the National Education Association (NEA) adopted a resolution stating that voucher plans could lead to racial, economic, and social isolation of children and would weaken or destroy the public school system. NEA urged that federal and state legislation be enacted to prohibit such plans (Kirkpatrick, 1990). Numerous editorials and comments both pro and con were generated. For example, in 1970, Robert Havighurst wrote:

> While the educational Establishment slogs along, trying to do things a little better here and a little better there, the critics and the discontented demand drastic reforms. This is fertile soil for the idea of giving parents public money to find better schools for their children. (p. 52)

Although evaluation studies of the pilot revealed widespread experimentation and greater parental interest, the five-year Alum Rock project came to an end in 1977. Although the mini-schools were viewed with great excitement, they were discarded by the district during the final year of the project when the Alum Rock school board chose not

to assume the additional costs the federal grant had absorbed during the pilot. Many critics of choice viewed this as a failed experiment; others stated that changes in leadership and political pressure led to its demise.

During the late 1970s and early 1980s, choice advocates continued their campaign. Authors such as John Coons noted that in other government-provided services such as public housing, charity hospitals, and food programs, individual choice is not restricted as it is for K-12 education. Coons and others used these arguments to lobby for a constitutional initiative allowing vouchers within California; adequate signatures, however, were not gathered for placement on the ballot (Levin, 1991).

In the early 1980s, President Reagan advocated a system of tuition tax credits whereby parents could deduct all or a portion of their tuition costs from their taxes. It was believed to be unfair for private school parents to pay twice, once for tuition and again in taxes. In addition, his administration unsuccessfully attempted in both 1983 and 1985 to convert the federal funding for disadvantaged students into individual vouchers. Proponents also felt that choice would force schools to improve or go out of business. This type of rationale, coming from a Republican President, caused choice to be labeled a conservative idea, one that benefits the wealthy more than the poor. As a result, opposition was strong in both Congress and among educational organizations. Soon the momentum for parent voucher programs and/or tuition tax credits began to die down. By March, 1983, John Coons wrote: "'All signs are that the systems are comfortably ossified ... I have to concede that the unions and the managers are a formidable force in favor of the status quo'" (Kirkpatrick, 1990, p. 133).

CHOICE ACTIVITIES DURING THE PAST DECADE

A different type of momentum began during the mid-1980s. As the nation was told it was at-risk because of its mediocre educational system, several states posed creative choices for parents. Significant differences from the past debate are evident. First, these choice programs were initially limited to public schools, thereby silencing those opposed to the inclusion of the private sector. Second, individual states, not the federal government, took the lead; and third, new terms were coined such as "open enrollment" and "parental choice." States' political debates, however, were no less lively than those at the federal level, focusing on the funding disparities among districts and the logistics of implementing statewide plans.

Minnesota was the first state to make headlines. Supported by Governor Rudy Perpich, the state's multi-faceted plan began in 1985 by allowing concurrent enrollment in post-secondary education institutions. Additional legislation provided for transfers between school districts in 1988 and the establishment of charter schools in 1991. A landslide of state activity soon occurred. By summer 1993, formal public school choice legislation had been enacted in 14 states and bills introduced in dozens of others. In some states, the legislation passed its first year with only minor difficulty; in others, several years of debate preceded implementation. However, the radical reform impact that some advocates had hoped for did not transpire. (See Appendix B for additional details on the Minnesota program and formal choice provisions in other states.)

A book by researchers John Chubb and Terry Moe (1990), *Politics, Markets, and America's Schools*, revitalized interest regarding the inclusion of private schools in a state choice system. Chubb and Moe integrated the concept of decentralization in their reform proposal by stating that a system of choice will not work unless public schooling is greatly deregulated similar to private schools. Conservative think tanks and newspaper editorialists worked hard to spread these ideas, but they were also careful not to use old terms such as "voucher system" or "tuition tax credits."

Wisconsin was the next state to make headlines. In 1990, legislation introduced by Annette ("Polly") Williams was enacted which allowed a small percentage of low-income students within the Milwaukee Public Schools to attend private non-sectarian schools within the city. Williams viewed her initiative as a means of providing quality education for poor students trapped within the city's public school system. Not unexpectedly, this controversial program was immediately challenged in court, but was found to be constitutional.

Advancement of choice in Wisconsin, however, did not necessarily indicate that the tide had turned. In fall 1990, voters in Oregon strongly rejected a ballot initiative that would have established both interdistrict public school choice and a tax credit of up to $2,500 for private school tuition or home instruction. Defeat of this measure was credited to an effective lobbying campaign by opponents, including teacher unions (Finn, 1991). During fall, 1993, Colorado voters also rejected a similar private voucher ballot initiative.

Choice advocates also suffered a blow by the release of a 1992 report by The Carnegie Foundation for the Advancement of Teaching entitled *School Choice*. The report concludes that very little impact has occurred (i.e., number of students transferring as a result of choice provisions) and that many problems exist as a result of state choice programs. Fearing that choice has been interpreted as a panacea, the report recommends creating choices *within* schools and enhancing the notion of community-based, neighborhood schools. Although choice advocates hastened to point out factual errors in the report, it captured headlines across the nation and has served as a rallying point for choice critics.

What will the future bring? During the term of the Bush administration, many were confident that private school choice had a serious chance of gaining a foothold. Under the Clinton administration, the outlook has dimmed in that the President supports the inclusion of public school choice provisions but strongly resists including private schools. As a result, many choice advocates have begun to create privately-funded programs, whereby low-income students in several major cities can apply to have all or a portion of their private school tuition covered. Efforts at the state level have also continued as evidenced by public and/or private choice bills being hotly debated in at least eight states during 1993. Although strong opposition remains, legislative efforts or citizen initiatives to implement public and/or private school choice continue across the nation.

This brief historical sketch illustrates how controversial educational policy debates follow cyclical patterns over time. An idea first conceptualized over 200 years ago is again at the forefront of the policy debate. Newspaper clippings from 1970 on choice closely resemble those in 1993. Since this issue is destined to remain central to educational reform for some years to come, a closer examination of the debate follows.

SPECIFIC CHOICE PROGRAMS

Table 1 on the following page lists the 14 states that had adopted some type of formal public school interdistrict and/or intradistrict choice system as of summer 1993. (See Appendix B for a detailed analysis of choice plans in these states). It also identifies Milwaukee, Wisconsin, as the only city to have implemented a private choice plan. Only four states (Iowa, Minnesota, Colorado, and Ohio) have mandatory interdistrict public school choice provisions whereby districts must allow students to leave and must accept other students if capacity exists. Others permit student transfers through voluntary participation of districts, with Colorado funding magnet schools within several districts that are willing to try interdistrict transfers. A few state programs are fairly restrictive, such as in Ohio, where students can transfer only to an adjacent participating district, and in Washington, where parents can still be charged a transfer fee (i.e., tuition). Considering that public and/or

Table 1 States With Formal Choice Statutory Provisions as of Summer 1993

State	*Intradistrict*		*Interdistrict*		*Private Schools*	
Arkansas	V		V	('89/90)		
California	V		V	(pre'68;'87)		
Colorado	M	('90/91)	V pilot	('90/91)		
Idaho	M	('93/94)	V	('91/92)		
Iowa	V		M	('90/91)		
Massachusetts	V		V	('91/92)		
Minnesota	V		M	('90/91)		
Nebraska	V		M	('93/94)		
Ohio	M	('93/94)	V	('93/94)		
Oklahoma	V		V	(pre'68)		
Tennessee	V		V	('25; '92)		
Utah	M	('93/94)	M	('93/94)		
Washington	M	('90/91)	M	('90/91 restricted)		
Wisconsin (Milwaukee School District only)					M	('90/91)

V = Voluntary: districts may choose to participate
M = Mandatory: districts are required to participate

private school choice legislation has been introduced in the majority of states, the limited number of comprehensive programs illustrates the intensity of the debate and the strength of the opposition.

Several other states have "limited" choice provisions whereby their existing statutes have *allowed* student transfers for many years. For example, Arizona permits both intra- and interdistrict movement at the discretion of districts, while Vermont enables students in a district lacking an elementary and/or high school to be tuitioned to a public or a state-approved nonsectarian private school. Alabama permits intradistrict "schools of choice" that promote choice among educational programs. Oregon has a limited program for students who require additional academic support as determined through a new state assessment system, while Kentucky allows students to transfer in the event their school is declared "in crisis." Appendix C provides additional information on the limited choice provisions in these and other states.

AN IDEA WITH LOTS OF APPEAL

The issue of choice serves to divide people into being either strong choice advocates or avid opponents; however, it has not become a purely Republican vs. Democrat or conservative vs. liberal debate. Instead, the concept has some appeal to different groups for various reasons. For example, choice is very attractive to conservative thinkers, including Republican legislators and governors. They note that the existing "non-choice" educational system achieved little during the 1980s despite significant additional resources. Proponents find great appeal in shaking up the system without spending more than a small amount for additional transportation; this idea has been strongly advocated by conservative policy analysts and by both the Reagan and Bush administrations.

The notion also appeals to some Democrats. Unlike tuition tax vouchers, many minority parents support the concept as a means of providing equal access for

their children to the "better" schools (although most organizations such as the NAACP oppose the concept). The issue in Minnesota was successfully initiated by Governor Perpich and the state chief school officer, both Democrats. Representative Williams in Wisconsin, a Democrat, has become a powerful spokesperson for private school options for low-income inner-city students. As part of the 1992 presidential campaign, all five initial Democratic contenders stated their opposition to private school choice plans, but offered varying degrees of support for public school choice plans.

The general public appears to support both public and private choice concepts in their simplest forms. When asked if they believe parents should have the right to send their child to any school of choice utilizing state funds, their instincts for liberty encourage them to respond affirmatively. For example, results from the 1991 Gallup Poll illustrated that 50 percent of the respondents favored a voucher system, while 39 percent opposed them. This represented an increase of six percentage points in favor of choice since 1987.

However, many contend that few respondents understand the complexity of the issue and that the wording of the question makes a difference. For example, two recent Arizona polls illustrate that the outcome may depend on how the question is presented. A poll commissioned by a pro-choice business group during October 1991 revealed that 54 percent of respondents responded in the affirmative to the following question:

> Some people suggest the government allot a certain amount of money for each child's education. Parents can then send the child to any public, private, or parochial school they choose. This is called the voucher system. Would you like to see such an idea adopted in this state? (ABLE Education Foundation, Inc., 1991)

A few weeks later, only 37 percent of the respondents in a poll conducted by a major Arizona newspaper responded favorably to a similar question: "Please tell me whether you favor or oppose...giving parents public funds to use in sending their children to the public, private or parochial school of their choice" (Pitzl, 1991). Policymakers relying on such data need to be keenly aware of how the survey question is worded.

During the initial push for public school choice, many corporate leaders and business organizations openly advocated for this reform. David Kearns (1988), then chairman and CEO of the Xerox Corporation, stated the following:

> Today's public education system is a failed monopoly—bureaucratic, rigid and in unsteady control of dissatisfied captive markets. Competition for students and dollars would break that monopoly and reinvigorate the schools.... For the first time, operating income would be directly related to customer service. For the first time, poor families would have options enjoyed only by the affluent today. (p. 3)

However, it is important to note that Kearns' remarks were focused only on public school choice; and, with few exceptions, most national business organizations involved in educational reform have *not* endorsed private school choice. Groups such as the Committee for Economic Development, the Business Roundtable, and the National Alliance of Business have made public school choice an integral part of their reform platforms, but not as the sole "panacea" nor as the leading activity. As a result, these groups have been the target of strong criticism from the Heritage Foundation, a Washington-based conservative think-tank, for not challenging the political status quo (Weisman, 1991). In a similar vein, former President Bush's *America 2000* platform *did* include private school choice, but again as only one element amidst many reforms.

Overall, the notion of providing additional options for parents and students appeals to many Americans. Consensus breaks down when the "how" is discussed. Conservative Republican policymakers embrace the hope that market forces will drive reform and want full private school choice with no strings attached. Moderates have a difficult time accepting choice as a panacea, but will accept public school choice and private school involvement if an equal playing field can be established. Some Democrats see it as a way to provide opportunities for those less fortunate, but the vast majority do not support public or private choice systems partly in response to strong opposition from educational organizations. They, instead, want additional funding to establish magnet-type choice programs.

SPECIFIC ASPECTS OF THE DEBATE

The resulting war is fought on several fronts. Advocates rely on philosophical, democratic, and market principles, while critics take a pragmatic approach—attacking the details (or lack thereof). Generally, advocates propose that liberty, or choice, is one of the major tenets of a democratic society. Families should have the right to chose the type of education they want for their children. Just as they have a right to raise their children with a particular set of traditions and values, they should be able to select a particular school or curriculum that will best meet their children's needs. Currently, parents can exercise this choice option by either moving their residence or by paying tuition to a private school. Both of these options are limited or non-existent for lower socioeconomic families; therefore, choice systems are necessary to provide equal liberties for all citizens.

A second general argument for choice—the one most debated by policymakers and practitioners—is that it will lead to greater competition for students and subsequent improvements in student outcomes. The belief is that most schools have a monopoly over students in their attendance areas and therefore do not have competitive pressure to use resources efficiently (Levin, 1991).

Unfortunately, little empirical evidence exists to support arguments offered by either side. Sketchy statutory language has not greatly affected programs within various states (i.e., the worst case scenario has not occurred), but dramatic reform and improvements have also not occurred (i.e., even the inclusion of private schools has not improved student achievement). Indeed, with the exception of the Milwaukee program, no state's choice program even tracks the academic gains of transfer students as part of a formal evaluation process. Consequently, policymakers concerned with increasing student achievement through choice legislation have no vehicle by which they can truly gauge the impact of choice programs on student achievement gains.

At most, some states are tracking the number of students transferring as a measure of success. For example, Minnesota had 9,885 students (1.3%) involved in interdistrict choice during 1993, while Nebraska had 7,500 (1.7%). On the other hand, Oklahoma's long standing choice provision (since 1923) has far more students transferring, with over 25,000 (4.3%) involved during 1993. Both choice critics and advocates use these numbers to make their arguments with some noting minimal student involvement and others noting increased growth over time. The concern, however, is that no statewide program is collecting data on student impact.

As noted by Hayes (1992), "Wouldn't it be funny if, after a few years of experiments with choice plans around the country, both sides, critics and advocates, turned out to be mostly wrong?" (p. 491). For example, in Britain where public school choice has been in operation since 1988, parents have found they have less choice than they want because good schools immediately fill up and bad schools sink slowly. Chira (1992) states: "Over all...choice [in Britain] appears to have had neither the catastrophic effects its

critics feared nor the rejuvenating impact its advocates predicted" (p. A1). Until empirical data become available, conclusions should be drawn only after a careful examination of the debate.

Equal Educational Opportunity/Access Issues

One of the greatest concerns launched by critics of choice is that a system cannot be developed that is truly equal for all students, particularly for those from low socioeconomic families. Several issues arise. One deals with the ability of parents to gain ***access to information*** and to use that information to make appropriate decisions for their children. Many note that some parents are well prepared by their education, experience, and access to information to make beneficial choices on behalf of their children, while other parents—especially those from groups already most disadvantaged by society—are left to "choose" between mediocre schools. This is especially true when lack of information, materials in appropriate languages, or assistance undermine their opportunities for selection. In response, choice advocates indicate that market forces will require schools to widely distribute information about their programs, and some choice plans call for the establishment of parent information centers (Chubb & Moe, 1990).

Critics also voice concern about "truth in advertising" issues and worry that the less educated parent may fall prey to sham operations (Finch, 1989; George & Farrell, 1990). This concern is voiced particularly when private schools are included since few state laws govern these schools. Even some choice advocates have acknowledged that "undoubtedly there will be fraudulent and dishonest school operators. Such people currently operate in almost every walk of life" (Rinehart & Lee, 1991, p. 157). Kirkpatrick acknowledges that "There will be mistakes; there may be schools that seem strange. But this is a price that must be paid if genius, creativity, and progress are to prosper" (p. 45). However, these authors indicate that under the GI Bill, these instances seldom occurred; active competition forced schools to protect their reputations. Some believe state minimums are necessary, but only for health, safety, and nondiscrimination (Lieberman, 1990).

Choice critics are also concerned that parents will make judgments based on factors other than educational outcomes. For example, data collected on the Minnesota program during 1989-90 illustrate that over 40 percent of the reasons given for open enrollment transfers were "convenience-based" (ERS Research Digest, 1990). These included geographic proximity, daycare, parents working in another district, and plans to move into or out of the district. Twenty percent of the reasons were academic in nature, focusing on a desire for a specific program or greater academic opportunity. Six percent transferred for extracurricular, athletic, or social reasons. Critics use these findings to illustrate that educational excellence is not the key reason parents seek to transfer. For example, Finch (1989) points out that a group of Minnesota parents chose to transfer their children because the school board had voted to close down one of two high schools as part of a move to consolidate services. He claims that their motive was one of defiance and retaliation, not the improvement of education.

Advocates counter that it really does not matter why parents want to move as long as they feel more empowered and involved in the education of their child. Evidence extracted from a review of magnet school choice programs illustrates that students perform better and accomplish more in learning environments they have freely chosen than in those to which they are simply assigned (Raywid, 1989). Consistent with this notion, survey results show that 89 percent of the parents in the Milwaukee Parental Choice Program believed that the educational quality in the chosen school was important, while 66 percent indicated that they were frustrated with the public schools (Witte, 1991a). Other recent data reveal that within four of the five states that collected

and analyzed parental reasons for participation during 1992, quality of programs or enhanced academic opportunities were cited as the top reasons (Colorado, Washington, Nebraska, and Wisconsin). Proximity or convenience was noted as the top reason in Iowa, with educational programming being second. (See Appendix B for additional details.)

Another equity issue involves ***adequate and appropriate transportation*** to schools of choice. When financially strapped states were initially considering the implementation of an interdistrict public school choice plan, many believed it could be done without additional funding. However, concerns arose over how students from lower socioeconomic families would be able to transport themselves to a school of choice. For example, in Massachusetts, where *no* transportation assistance was provided, data reveal that only a very small percentage of low-income students took advantage of choice; 93 percent of participants in 1991 were white, middle-class students (Diegmueller, 1991).

Overall, five of the 14 states with formal choice programs provisions have minimized this concern by allocating additional funds to provide transportation for low-income students. To control costs, this transportation subsidy is limited to a maximum number of miles per week or to adjacent districts. Critics argue that these limitations prohibit rural students from accessing the schools in the city or suburbs and recommend funding for boarding facilities. They also argue that these funds could be better spent on improving the educational system rather than busing students to schools outside their neighborhoods.

Fair and objective admissions criteria are also voiced as a major equity concern. Some fear that elitist schools will be established whereby schools select only the best and brightest, or select students based on race or gender. Moore and Davenport (1989) analyzed the admissions criteria utilized as part of four major cities' magnet school programs—New York, Chicago, Boston, and Philadelphia; they found that "school choice has typically become a new improved method of student sorting, in which schools pick and choose among students" (p. 13).

Although Moore and Davenport focused on district magnet programs rather than statewide choice, their findings show that these programs typically admit high percentages of white students relative to their overall district enrollment. Conversely, percentages were very low for students who were handicapped or limited English proficient, and for students with a history of poor attendance and/or previous behavior problems. They attributed these findings to complex admission procedures best understood by middle-class families, admission criteria that required certain scores on tests and academic history, and limited programs that accommodate handicapped or limited English proficient students. In addition, aggressive recruiting occurred at middle-class schools, while students in low-income schools received only a booklet advertising available options. Finally, teacher preferences for high-achieving students existed.

As a means of protection, most formal state choice provisions require nonresident students to be selected in a non-discriminatory manner. Many districts utilize, or are moving toward utilizing, a lottery system to avoid the "first come, first served" method of acceptance. Without this provision, unequal access is an issue since low-income parents do not have the same latitude to miss work while standing in line to register their child. In reference to potential race or ethnic discrimination charges, choice advocates indicate that many protections are already built into the system through federal and state laws. Charges can be filed against those schools that adopt admission procedures resulting in discriminatory decisions. Indeed, having a formal state choice program with uniform guidelines would mitigate many current discriminatory activities.

Concerns are also voiced over allowing schools to require certain areas of expertise or skill for admittance (e.g., certain test scores for a gifted school or a performing arts audition). Concern is diminished if every student is "guaranteed" enrollment in his or her resident school and if the selection criteria do not utilize discriminatory procedures (e.g., an assessment with known sex or gender bias). However, some choice advocates envision a system where every student would be required to seek enrollment in a school. In this scenario, no student would be guaranteed a place; if an adequate student funding weight is provided, it is believed that competitive forces will provide an appropriate school for every child.

Finally, under the general category of equal access, many are concerned about ***segregation issues***. Each state with a public school choice system allows districts under court order or an agreement with the Office of Civil Rights to prohibit student transfers if they would result in noncompliance. However, many borderline districts are concerned that slight population shifts could cause them to be "thrown into desegregation." States are also concerned because of the additional funding necessary to support the court ordered compliance activities for these districts (e.g., busing, magnet schools). The Office of Civil Rights has indicated its support for choice by claiming segregation would not be an issue as long as deliberate discrimination is not the cause of racial imbalance. Choice advocates indicate that many public schools are presently highly segregated because of housing patterns; and, under a choice system, minorities would be given access out of presently segregated ghetto schools (Rinehart & Lee, 1991).

Lieberman (1990) points out that the major advocacy organizations for minorities have not supported public or private choice plans. He indicates that "neither the NAACP, the NAACP Legal Defense and Education Fund or the Urban League has endorsed public school choice; the NAACP Legal Defense and Education Fund has been openly critical if not hostile to it" (p. 40). In addition, many inner-city minority communities are concerned that their best and brightest will seek enrollment outside their district. Instead of "white flight," people refer to the possibility of "brain drain." These communities are attempting to revitalize their neighborhoods and are concerned that efforts should be focused on supporting their schools, not offering their students a way out. In response, advocates indicate that the poor and disadvantaged have the most to gain since they currently have the least opportunity to change locations. Citing 1991 Gallup Poll data, they note that the strongest support for private school choice came from non-whites and blacks (57 percent support in both groups); inner-city dwellers (also 57 percent); people with children under 18 (58 percent); and nonpublic school parents (66 percent support). Choice advocates believe bureaucratic inertia is the explanation for resistance by major minority organizations.

Finance Issues

Although related to equal access issues described above, additional concerns about financing are voiced in the choice debate. The first focuses on an ***inadequate and inequitable financing system***. School districts do *not* currently have access to equal amounts per student and only a few states provide additional funding to support the needs of economically disadvantaged students. Therefore, many inner-city districts are at a disadvantage entering the competition. Their facilities and extracurricular programs may not be as extensive because a larger portion of their budgets must be utilized for counselors, social workers, and security.

Choice supporters indicate that adequate funding weights should be provided in order to make low-income and other special needs students attractive. However, current choice states do not provide additional funding for low-income students beyond transportation. To date, the funding disparity issue has been paramount during the debate, but not once

actual implementation occurs since so few students are actually transferring.

The debate intensifies, however, when the ***costs of including private schools*** is considered. Since states are not currently supporting the educational costs of private school students (excluding a small percentage of students in Milwaukee), providing a voucher for all students represents a major expense. For example, in Arizona, approximately 30,000 students are enrolled in private schools for which the state provides no financial support. If a full voucher system was implemented, these students would become eligible for state funding. Using an average cost of $4,000 per student, this equates to an additional $120 million. While this represents only a small percentage of the nearly $2 billion K-12 education budget, it would be large enough to provide preschool education for every low-income three- and four-year-old in the state ($50 million) and fully fund the state's successful pilot career ladder system for teachers ($70 million). On the other hand, choice advocates state that private school competition will force decentralization of authority and a great deal of funding can be recouped from less bureaucracy.

The financial implications of including private schools has caused some choice advocates to propose smaller voucher amounts (e.g., $600) which they indicate would be adequate to help many families cover private school tuition. However, student equity issues arise because only wealthier families could afford the additional tuition not supported by the voucher. Egalitarians have emphasized that an unregulated market would increase the expenditures of the rich more than those of the poor, further exacerbating present resource inequalities instead of reducing them (Farrell, 1990). Concerns like this have arisen in Vermont towns that offer a choice option where parents wishing to use their funding at a more costly school must make up the difference (Goldberg, 1988).

Other state proposals, such as in the Milwaukee program, limit the voucher to low-income students previously enrolled in the public school system. Under this scenario, the state has already been paying for these students and existing funds can be transferred. This provision, however, greatly undermines the notion of a full voucher system. Considering that over 5.5 million students are currently enrolled in private schools across the country, the total cost of implementing a full private school choice system would be at least $22 billion. Many claim that this money would be better served to support the ailing public school system. Others argue that money is not the answer but rather reorganization as driven by parental choice.

Other financial concerns center on ***local funding issues***. Currently, most states allow districts to raise additional revenues through governing board approval and/or local elections. If parents have chosen to send their child to a nonresident district, several questions arise. Should a portion of the local funding generated for that resident student be transferred to the new district of attendance and, if so, how can this be done fairly and with minimal administrative cost? Indeed, several states require districts to "bill" each other for portions of this additional revenue (e.g., Utah) or for high cost special education students (e.g., Minnesota). Second, if funds are not transferred, will parents support efforts to raise additional local revenues for a district their child no longer attends? A new dimension of school financing has arisen.

One idea posed by Allan Odden, co-director of the Consortium for Policy Research in Education (CPRE) Finance Center, would require states to support the "base" funding for all districts. Any additional local revenues would be generated by an income surcharge imposed on those parents whose children attend the school. In the case where the school serves primarily low-income parents, the state or federal government would guarantee a per pupil yield (Odden, 1991). When discussed with

several Arizona school and public finance experts, this idea was soundly rejected due to the complexity of redesigning a system that generated individual school revenue through an income tax on enrollees.

Finally, critics indicate that choice involves a ***flawed rewards and sanctions system*** that will not produce the improvements advocates want. First, if a "bad" school begins to lose students, it also immediately loses funds that could have been used for school improvement. For example, if a district loses 10 students at $4,000 per student, it has lost the equivalent funding of one teacher. However, the 10 students may have come from different classrooms, thereby not allowing a reduction of one teacher. Advocates say funding losses can be made up through decreases in administration, but fairly small districts argue that their overhead is minimal.

Critics also note that forcing districts out of business through a gradual loss of funding is detrimental for remaining students and is not reflective of sound business practices. Unlike private business, public school districts are not eligible to obtain a bank loan for major school improvement efforts. In addition, critics have used the savings and loan and the Chrysler Corporation bailouts to illustrate that similar considerations should be given to failing districts. To minimize this concern, several states included an initial phase-down of funding loss or delayed effective dates, giving districts time to improve. However, these provisions also cost states additional money in that they were "double funding" students during the phase-down.

Additionally, critics indicate that attracting new students is beneficial only up to a point. As long as the district has additional capacity, attracting new students is a financial boost. However, once capacity has been reached, the costs of securing additional building space becomes a disincentive to attracting more students. Advocates, however, cite this reasoning as typical of educators not "thinking outside the box" because schools of the future need not be contained within traditional buildings. Instead, leasing existing space in office complexes or utilizing other creative financing arrangements would be one outcome of competition. Critics counter that such privatization of schooling would dehumanize schools; students would be viewed only in terms of their monetary worth.

Common School/Constitutional Issues

Several arguments challenge that a private school choice system would ***undermine the goals of America's common schools***. Critics are concerned that competition will create specialized systems that no longer expose students to a common educational experience. Stemming from Horace Mann's call for a larger loyalty, there is some concern that a system of government-assisted private schools would be created, providing little opportunity for students to experience the diversity of backgrounds and viewpoints that contribute to the democratic process. Many believe that it would be unrealistic to expect Catholic schools to expose their students to both sides of the abortion issue or military academies to debate the value of disarmament and peace movements. The curricula and faculty in these schools would be selected to make them efficient competitors in a differentiated market for students. This in turn would limit *students'* freedom of choice. Some believe that the state has a responsibility to provide children with a view of the world other than that of his or her parents (Kirst, 1984). The right of parents to choose experiences, influences, and values to which they expose their children conflicts with the right of a democratic society to use the educational system to inculcate certain economic, political, and social values.

There is also some concern that parental pedagogical preferences may continue social class differences. It has been shown that middle- and upper-class parents are more apt to choose child-centered instructional approaches that stress independence and

critical thinking, while lower socioeconomic parents emphasize conformity and are more likely to choose schools utilizing conventional methods such as drill and practice. This could have two major consequences. First, since socioeconomic status often parallels racial lines, parental choice of pedagogy may result in racial isolation (Lieberman, 1990). Second, future careers and salary earnings may depend on these choices. Most professional and managerial positions need individuals with good critical thinking skills, while jobs of low occupational levels stress a high degree of discipline, concentration on basic skills, and following orders.

On the other hand, choice advocates indicate that the common school notion is more a myth than a reality because of current differences among public schools. What does not exist, however, is a mechanism for parents to choose from these alternatives. Instead, by virtue of residence (as determined by socioeconomic status), students attend schools that are a reflection of their community. Choice would provide more equitable educational opportunities for all children.

Finally, the fear of prolonged court cases over ***separation of church and state*** has kept most of the choice debate focused on only the inclusion of nonsectarian schools. Using the First Amendment, which specifies that Congress shall make no law promoting or prohibiting the free exercise of religion, state and federal courts have struck down repeated state efforts to provide direct subsidies to religious schools (Guthrie, Garms, & Pierce, 1988).

Since 1971, the U.S. Supreme Court has analyzed private school subsidy cases under tests articulated in *Lemon v. Kurtsman* as expanded in *Bowen v. Kendrick*. Specifically, the combined Lemon/Bowen test asks whether the statute: (a) has legitimate secular purpose; (b) does not have the primary effect of advancing religion; and (c) does not create "excessive" entanglement" with religion. The application of these criteria has generally served to discourage state aid to church-related elementary and secondary schools.

Current interest in private school choice, however, has led to speculation that groups in other states will soon come forth to challenge these decisions. In Arizona, a legal opinion prepared for the governor's office concludes: "There is no reason that a properly designed and administered school voucher system could not survive constitutional scrutiny.... In reality, this may be more of a political concern than a legal or constitutional concern" (Sheane & Bierlein, 1991, p. C-3). Using this information, a state task force recommended the inclusion of a private school choice system with both nonsectarian and sectarian schools as part of a major reform package.

Some speculate that the changing composition of the U.S. Supreme Court could serve to declare the inclusion of sectarian schools in a private school choice program as constitutional. John Coons notes, "There is no longer any serious doubt that it is valid to use public funds for education in religious schools if the subsidy is properly designed.... But, doubtless, this point will have to be litigated before the die-hard opposition will concede" (Negin, 1991, p. 11). Until that time, the separation of church and state continues to play a role in the choice debate.

Private School Supremacy

Many Americans believe that private schools offer a better education for those who can afford this alternative. This belief supports the perception that many public school students would consider transferring to a private school if the state augmented their tuition. However, research in support of private school supremacy is mixed. For example, several researchers have revealed that private school students out-perform their public school peers (Chubb & Moe, 1990; Coleman, 1991). Others challenge the significance of these findings (Levin, 1991; Witte, 1991a). Hence, a great debate has

begun over whether private school students indeed outperform public school students.

Leading the charge is AFT President Albert Shanker. Using data from the 1990 National Assessment of Educational Progress (NAEP) mathematics assessment, Shanker notes that at the 12th grade level, private school students performed only slightly better than those in public school. He points out that since most students in private schools are typically more economically advantaged, they should greatly out perform public school students. Witte (1991a) also attacks those who use these relatively small increases to propose a complete revamping of the public school system. He cites work by Alexander and Pallas that puts the magnitude of the Catholic school effect in substantive terms: "Differences are so trivial that if we could change public schools to look like Catholic schools on relevant factors, it would shift the public schools only from the 50th percentile ranking on standardized tests to the 53rd percentile" (p. 20). He concludes that "private schools have a very slight advantage over public schools in terms of efficiency level. Whether this very nominal difference would be exacerbated with greater competition in a market choice system is a matter of speculation" (p. 276).

Other test data offered by Shanker and extracted from an article by Rothman (1991) illustrate a similar trend. Where differences occur, they are not significantly larger. For example:

- On the 1990 American College Testing Program examination, public school students earned a composition score of 20.6 out of 35; those from private schools earned 21.0; and those from Catholic schools, 21.1.

Other researchers that support private choice point out that within these same data sets, large differences can be found. For example:

- The 1990 NAEP math assessment showed the fourth-grade level's average proficiency for public schools was 214; for Catholic schools, 224; and for private schools, 231. The gap at the eighth-grade level was 10 points.

In addition to offering data which highlight large differences, researchers who advocate private school superiority indicate that by 12th grade, many of the potentially low scoring students have already dropped out of the public school, but similar students remain in the private school system. Therefore, public school scores would be even lower if their dropouts were still in school. They also argue that public high school scores benefit from an infusion of students who had attended private elementary schools.

Beyond test score issues, other choice advocates indicate that the school climate offered by many private schools is more conducive to learning—especially for urban minority populations—and that students tend to take more academic coursework than their public school peers. Raywid (1989) states,

> Since public schools of choice, as well as private schools, are likely to have a distinctive, identifiable focus, they attract a group that is likeminded in some educationally significant way. To the extent that teachers, parents, and students agree on a mission, a commitment is generated that enables the school to become an effective learning community. (p. 14)

As has been shown, research data abounds to support both sides of the argument. There is no definitive answer to whether private schooling produces higher student achievement scores, but recent comparative data have certainly advanced the policy debate.

Bureaucratic Entrenchment

Advocates repeatedly indicate that those opposed to choice are primarily trying to protect their own turf. They offer examples of how strongly in favor the general public is compared to those within the educational arena. They challenge that educational bureaucracies have been designed to protect the system, not the students (Doyle, 1989; Finn, 1991; Kirkpatrick, 1990). Evidence is offered that the attitudes of teachers, parents, and students are more positive within schools of choice and that student achievement and attitudes improve (Nathan, 1989a). Even choice critics agree that "opposition to public school choice is not always free of self interest" (Lieberman, 1990, p. 134).

Farrell (1990) offers an interesting example that supports these claims. As Representative Williams' private school choice bill was being debated, an alternative bill was posed by the Milwaukee Public Schools (MPS). Under this bill, MPS would have contracted with the private schools rather than having parents seek enrollment directly, and the district would have been allowed to keep 10 percent of the voucher funding for administrative purposes. This caused a debate over who should determine the nature of a student's education, the parents or public school administrators.

To this end, choice advocates have not only endorsed the inclusion of private schools, but also address the need to break down the public school bureaucracy. Until recently, most choice plans have assumed that public schools would remain part of school districts. However, with the onslaught of decentralization debates, many theoretical models now envision that public schools would be able to "free" themselves of their districts and operate as a completely autonomous unit.

John Chubb and Terry Moe (1990) advocate such a proposal based on the belief that school autonomy and freedom from bureaucratic constraints are critical factors in successful choice systems. Under their proposal, any public or private school meeting minimum state standards could receive direct state funding from regional "choice offices." Each student would be credited with a scholarship worth a differing amount depending on certain student characteristics (e.g., handicapped students would receive a larger scholarship), and schools could not charge parents additional tuition. Current school districts and boards would continue to exist, but with jurisdiction over only those public schools wishing to remain governed. Individual schools would be allowed to establish their own nondiscriminatory admission criteria, but a safety net guaranteeing each student a school would be developed. Parent information centers would also be initiated, while teacher certification requirements would be minimal and tenure laws would be repealed.

Critics immediately began to attack Chubb and Moe's proposal on the lack of specifics and because creation of choice offices and parent information centers would ultimately create more, not less, state bureaucracy. Rather than 15,000-plus district central offices, additional administrative responsibility would be created at over 83,000 public schools nationwide. Langley (1990) and Bastian (1989) also object to other hidden costs of administering a choice system, such as additional transportation, the distribution of information to parents, and at least minimal oversight of private schools.

Under Chubb and Moe's proposal, a system of autonomous public schools would have their own legally prescribed teachers' bargaining unit. Lieberman (1990), however, finds this totally impractical and logistically unrealistic. For example, the New York City Board of Education negotiates at least 34 contracts with 10 different unions representing teachers, psychologists, school social workers, paraprofessionals, secretaries, custodians, medical personnel, along with a host of other employee groups. In 1988, the New York City Board of Education operated 993 schools; if each school was to have set its own personnel policies and administer its own budget,

nearly 27,000 union contracts would have to be negotiated. Lieberman states that administrative costs would be astronomical under any scenario that treated individual schools as bargaining units. He indicates that choice advocates need to address the difficult issue of repealing state bargaining laws. If not, choice would not reduce the bureaucratic differential between public and private schools. Tenure and reduction in force (RIF) laws also need to be examined. Will choice increase efficiency, excellence, and equity? The dialogue continues.

SNAPSHOT OF THE DEBATE

As shown, the debate on choice is lengthy and complex. The general debate can be woven around the following arguments.

Advocates generally say:

- Choice is a way to achieve equal educational opportunities for poor and minority youngsters.
- Choice can rescue children from bad schools.
- Competition for students and money will force schools to improve and be more accountable.
- Children have different learning needs and, therefore, need different teaching options.
- By choosing a school, parents will be more involved in, and committed to, their child's education.
- Choice can promote voluntary desegregation.
- Choice will force schools/districts to streamline their bureaucracies.
- Choice will lead to a higher level of professionalism and expertise among teachers.
- Choice should involve a variety of options for parents, including the ability to use state funds for private and religious schools.

Critics generally say:

- There is no convincing evidence that competition will improve schools or pupil achievement.
- The children most in need—those without supportive, capable parents—will likely be left with the worst choices.
- Choice will work against low-income families unless transportation is provided; money spent on buses is better spent in the classroom.
- Private school choice will drain money from already needy public schools.
- Choice is a red herring that diverts the public's attention from the need to adequately finance public schools.
- Encouraging student transfers will undercut efforts to increase school-community ties.

THE FUTURE

What does the future hold for choice? Three trends are evident. First, while the discussion regarding public interdistrict choice has abated somewhat, an intense debate continues to surround the issue of public tax dollars going to private and religious schools. To date, however, pro-private school advocates have had little success.

For example, during December, 1991, the Pennsylvania legislature defeated a choice bill that would have given parents a $900 voucher to spend on private school tuition. In February, 1992, the Florida legislature rejected a school choice voucher that would have included private schools (American Political Network, Inc., 1992a). During both 1992 and 1993, the Arizona legislature also failed to pass private school choice programs.

In November, 1992, national attention was focused on Colorado as citizens defeated 2-1 a ballot initiative that would have provided vouchers for private and religious schools. The latest defeat came in Maryland in February, 1993. Governor William Schaefer offered support for a five year pilot

program in Baltimore that would have allowed 200 low-income students a $3,000 voucher to attend any public, private, or parochial school in the state (American Political Network, Inc., 1993). The measure was defeated by a 23-1 vote.

Fall, 1993, brings voters in California the opportunity to express their opinion on the private school choice issue. A group entitled Excellence through Choice in Education League (EXCEL) has gathered enough signatures to place a private school voucher initiative on the ballot. Initially slated for the fall, 1992, ballot, time needed to verify adequate numbers of signatures resulted in the one year delay. If passed, the constitutional amendment will provide annual vouchers worth approximately $2,500 toward private school tuition. Estimates place the cost at more than $2 billion. If the trend seen in other states holds true, the measure will be defeated. However, choice advocates are rallying their forces given that California serves one of every eight public school students nationwide and, therefore, has major implications for the future of the private school choice debate.

A second trend visible during the past few years is that many anti-choice legislators and educational organizations are now willing to accept public school choice activities in hopes that private school choice advocates will be satisfied. For example, the National Association of Secondary School Principals (NASSP) has "cautiously endorsed" school choice among public schools. The 43,000-member organization now supports choice as long as all schools are required to follow the same mandates regarding the selection, admission, and retention of all students. The policy also states, however, that choice in and of itself will not improve education to the degree necessary to achieve the National Education Goals (American Political Network, Inc., 1992b).

The American Federation of Teachers has also reversed its position. In a recent advertisement, AFT President Albert Shanker commented, "'Our schools are in bad shape. Changes, big changes are needed. Public school choice, by itself, is not the big change that we need, but it may be that we can't get the big changes we need without choice'" (Lieberman, 1990, p. 111). The National Education Association (NEA) also now supports public school choice, but only under specific conditions. Neither organization supports private school involvement.

Even with passive support for public school choice from the key educational associations, few states have implemented such provisions in the past few years. This is primarily due to the entanglement of public and private school choice issues. Given these defeats, a third trend is visible whereby pro-choice business leaders in many states are taking matters into their own hands. Following the lead of businessmen in Indianapolis who created the Educational Charitable Trust Fund by pledging funds to help underwrite the private-school tuition of low-income students, similar programs have sprang up throughout the nation—Indianapolis, Atlanta, Milwaukee, San Antonio, and Phoenix (Walsh, 1992). Each program allows low-income students to compete for partial or full voucher amounts ranging from a maximum of $750 in San Antonio to $3,000 in Atlanta, with parents responsible for the remaining tuition amounts. Vouchers are redeemable at participating private or religious schools, with San Antonio the only city to include public schools. In 1992, the number of participating students ranged from 179 in Atlanta to over 900 in Indianapolis, with many on waiting lists.

A key goal of these programs is to obtain results from their efforts that can than be used to convince legislators and the general public to reconsider their position on private school vouchers. To this end, these programs have contracted with outside evaluators to examine student achievement, attendance, behavior, and parent/student satisfaction. It is predicted that these types of

programs will continue to grow during the mid-1990s.

These are just a few of the many battles recently fought across the country. The general feeling is that many states will be implementing public school choice provisions as a means to hold off the private school forces. Kearns and Doyle (1988) repeatedly warned the public schools that private school choice is virtually assured unless radical change occurs:

> Schools have much to gain if they heed the lesson, everything to lose if they do not. The schools are not yet forced to compete, but if they continue to fail their charges, if reform does not catch hold, schools will be subject to a spontaneous market test. Bright flight will continue. The old patrons of the public schools will finally abandon them for private alternatives, or for public schools that will respond. And the public schools that ignore business' most important lesson—that markets and competition work—will wake up one morning with no one to teach and nothing to do. (p. 127)

IN SUMMARY: A CLASH OF BASIC VALUES AND FREEDOMS

The choice debate can be summed up rather easily. It involves a debate about the freedom to choose a school for one's child. However, several basic freedoms form a democratic system—freedom of conscience, freedom of thought, freedom of choice—and, if any one freedom is unrestricted, it conflicts with others. Therefore, the maintenance of a system of liberties involves balancing each freedom against the others.

Frances Fowler (1991) reviews how school choice serves to balance or unbalance these freedoms by analyzing France's educational system. Since 1959, the "Debré Act" has provided public funding for private schools under a set of conditions whereby the greater the financial subsidy chosen by the private school, the more government control. Those accepting full subsidies must follow government regulations covering teacher credentials, curriculum, hours of instruction offered weekly; submit to financial audits; and accept children of all religions and backgrounds. They have the right to maintain a distinctive character, but they must respect their pupils' freedom of conscience.

Fowler indicates that the debate in France over 30 years ago was quite similar to the current one in America. Choice advocates voiced the danger of a government monopoly over education, saying that genuine democracy depends on granting citizens the right to choose a school. They believed that public resources must be devoted to maintaining institutions necessary for political liberty and that refusal to subsidize private schools was a violation of the democratic principles of freedom of conscience and equality.

Choice critics were no less vocal. They believed that the importance of children's freedom of thought far outweighed the freedom of parents, religious leaders, and other parties involved in education. They were concerned that private schools (especially private religious schools) taught the academic disciplines from a particular perspective and restricted the intellectual stimulation resulting from exposure to people from different backgrounds.

The resulting law was designed to balance these freedoms. Private schools could maintain their distinctive character, but they must teach with complete respect for children's freedom of conscience. As a result, private schools have become more schools of the nation than schools of the church. Fowler concludes that the French successfully balanced the freedom of private groups to establish schools, the freedom of parents to choose private schools, and the students' freedom of thought and conscience. However, this was only because the law incorporated both sides of the issue—it was viewed not as a compromise but as a careful balance of liberty.

In the United States, there is little attempt to balance these freedoms since both sides believe compromise means a complete loss. Choice advocates focus primarily on parents as consumers and schools as products, rather than concentrating on basic freedoms as the French had. On the other hand, American critics refuse to accept parental freedom as being equally important. Agreement can be reached, but it depends upon a complex understanding of what freedom means in a democratic society. Until some element of balance similar to the French system can be achieved, choice will remain a major controversial public policy issue for decades to come. As John Witte (1991b) concludes:

> Proponents of choice stress the primary value of liberty, a more equitable dispersion of that liberty, and pluralistic diversity. Opponents of choice stress equality, an integrated society, and common school traditions. Philosophers have been debating these value differences for thousands of years. It is no wonder that these arguments divide well-intentioned parents, education providers, and policy experts. (p. 9)

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APPENDICES

A NATIONAL REVIEW OF CHOICE IN 1993

Appendices A through C depict the status of open enrollment/choice programs across the nation during 1993. Appendix A offers a chart which summarizes the types of intra- and interdistrict programs within each of the 50 states and the District of Columbia. This chart notes that 13 states had specific legislation regarding intradistrict choice, while 24 states had legislation enacted regarding interdistrict choice. Each of the remaining states had some level of choice occurring based upon the discretion of local districts.

Using the existence of choice-related legislation and the comprehensiveness of such legislation, activities within each state have been classified into three types of choice programs: *formal, limited formal, or informal*. States that have "formal" intra- and/or interdistrict choice programs are governed by specific state legislation that detail any of the parameters regarding program participation (e.g., reasons for rejecting nonresident student transfers) and prescribe activities such as transportation and parent information. Using this criteria, choice programs within 14 states have been classified as having formal choice programs and are profiled in Appendix B.

Other states also have specific choice legislative provisions, but these provisions are more limited in nature than those presented in Appendix B. These plans may limit district participation to a specific purpose, such as those deemed "at-risk" or for purposes of achieving racial balance. Appendix C offers brief descriptions of activities within 12 states found to have such "limited formal" choice programs. Also included in Appendix C are descriptions of formal choice legislative provisions proposed in eight states during 1993.

Methodology

Information was obtained via telephone interviews with at least one contact in each of the 50 states and the District of Columbia for information presented in Appendix A and C, usually a legislative staff person or personnel at the State Department of Education. Information found in Appendix B was provided by at least two contacts per state, most often legislative staff and personnel at State Departments of Education. Whenever possible, supporting documents such as legislation and program reports were obtained and analyzed. For states in which written summaries are presented in these appendices, state contacts verified the accuracy of their relevant state sections. It should be noted that these appendices do not include the intimate details of each state's plan; instead, they depict general summaries. Overall, however, every attempt has been made to verify the accuracy of the information.

APPENDIX A

CHOICE AT A GLANCE: A NATIONAL SUMMARY

The table on the following page represents the current status of intra- and interdistrict choice in each of the 50 states and the District of Columbia. A brief explanation of the column titles and terms used are provided here to facilitate interpretation.

The column next to the state name is used to refer the reader to the appropriate appendix if additional information is provided on choice activities in that particular state. The table is then divided between intradistrict choice and interdistrict choice, and offers the following information:

Formal/Ltd. Formal: Participation is governed by recent legislation or longstanding education code. District participation may be voluntary (V) (e.g., intradistrict transfers are at district discretion; interdistrict transfers occur upon mutual agreement of districts); mandatory (M); limited (Ltd.); prohibited; or require a district policy be developed specifying participation or non-participation.

Informal: Participation occurs at district discretion (voluntary) with no governing legislation.

# of Transfers: Refers to the number of intradistrict/interdistrict transfers in 1993, If not available for 1993 the most recent data are listed, with the year noted in parentheses. Numbers of transfers are shown in comparison to the entire state student population for the same year.

na: Not available; the number of transfers is either not collected or is collected but not separated from other reasons for transferring (e.g., change of residence; tuitioning students out of the district when no program/grade level is offered in district).

1993 Leg. Considered: To be listed here, legislation considered in 1993 had to refer specifically to major revisions and/or the creation of formal intradistrict or interdistrict choice plans.

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STATE	INTRADISTRICT					INTERDISTRICT			
		Formal/ Ltd Formal	Informal	# of Transfers/ K-12 Pop.	1993 Leg. Considered	Formal/ Ltd Formal	Informal	# of Transfers/ K-12 Pop.	1993 Leg. Considered
Alabama	●	LV-1991		na			V	na	
Alaska				na			V	na	
Arizona	●	LV<1981		(1992) 29,971/683,648	yes	LV<1981		(1992) 10,115/683,648	yes
Arkansas	▲		V	na		V-1989		1,041/440,682	
California	▲		V	na	yes	V<1968		na	yes
Colorado	▲	M-1990		na		1990	V	(1992) pilot - 52/568,491 (1992) informal 5,984/568,491	
Connecticut			V	na		D only		680/492,000	
Delaware		Prohibited				Prohibited			
D.C.			V	na		(DC only has 1 school district)			
Florida			V	na			V	na	
Georgia			V	na			V	na	
Hawaii			V	(1991) 13,644/174,249		(Hawaii only has 1 school district)			
Idaho	▲	M-1993		na		V-policy by 1991		3,294/231,700	
Illinois	●		V	na			V	na	yes
Indiana	●		V	na		LV-1976		na	
Iowa	▲		V	na		M-1990		7,500/485,819	
Kansas			V	na			V	(1991) 6,500/ 445,390	
Kentucky	●	L-1990	V	na		L-1990	V	na	
Louisiana			V	na			V	na	
Maine	●		V	na		LV-1981		(1992) 430/211,853	
Maryland			V	na			V	na	
Massachusetts	▲		V	na		V-1992		3,209/861,468	yes
Michigan	●	LM-on hold	V	na			V	na	
Minnesota	▲		V	na		V-1987 M-1990		(1992) 9,885/766,647	
Mississippi			V	na			V	na	
Missouri	●		V	na		L-1990	V	na	yes
Montana	●		V	na		V-1947 V/M-1993		na	yes

▲=See Appendix B ●=See Appendix C L=limited V=voluntary M=mandatory D=desegregation na=not available

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STATE		INTRADISTRICT				INTERDISTRICT			
		Formal/Ltd Formal	Informal	# of Transfers/ K-12 Pop.	1993 Leg. Considered	Formal/Ltd Formal	Informal	# of Transfers/ K-12 Pop.	1993 Leg. Considered
Nebraska	▲		V	na		V-1990/91 M-1993/94		4,755/281,301	
Nevada			V	na			V	na	
New Hampshire			V	na			V	na	
New Jersey	●		V	na			V	na	yes
New Mexico	●	LM-1978		(1990) 7,085/284,737		LM-1978		(1990) 1,699/284,737	
New York	●		V	na	yes		V	na	yes
North Carolina			V	na			V	11,074/ 1,106,967	
North Dakota	●		V	na			V	na	yes
Ohio	▲	V-1989 M-1993		na		V-policy by 1993		559/1,629,438	
Oklahoma	▲		V	na		V < 1968		(1992) 25,131/587,130	
Oregon	●	LV-1991		na		LV-1991		na	
Pennsylvania	●		V	na		LV-1949		na	yes
Rhode Island			V	na			V	na	
South Carolina			V	na			V	na	
South Dakota			V	na			V	599/122,285	
Tennessee	▲		V	na		V-1991		21,961/857,435	
Texas			V	na			V	na	
Utah	▲	M-1993		na		V-1946 M-1993		7,000/461,259	
Vermont	●	LV		na		LV		na	
Virginia			V	na			V	na	
Washington	▲	M-1990		na		M-1990		11,746/894,748	
West Virginia			V	na			V	na	
Wisconsin	▲	M-1976 D (4 districts)		(1992) 31,102/791,910		V-1987 D		(1992) 6,446/791,910	
			V	na		(private schools)		613/95,311 (Milwaukee)	
							V	na	
Wyoming			V	na			V	na	

▲ = See Appendix B ● = See Appendix C L = limited V = voluntary M = mandatory D = desegregation na = not available

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APPENDIX B

STATES WITH FORMAL INTERDISTRICT CHOICE PROGRAMS

As of summer 1993, 14 states (Arkansas, California, Colorado, Idaho, Iowa, Massachusetts, Minnesota, Nebraska, Ohio, Oklahoma, Tennessee, Utah, Washington, and Wisconsin) had enacted what can be considered *formal* interdistrict choice legislation at either a statewide level or as a pilot program. This appendix begins by summarizing the key components found across 12 of these states.[1] An emphasis has been placed on providing the types of "nuts and bolts" information often sought by policymakers. This appendix also includes a chart summarizing specific program components within all 14 states and concludes by offering narrative summaries of each state's choice program.

Key Program Components

Much debate over open enrollment/choice has focused on individual program components and concerns over how to develop a program that is fair and equitable to all students. These issues have included topics such as transportation, guidelines for student acceptance, information issues, athletic recruiting, and funding.

Student Application/Approval Process

Each state administers the application process differently. At issue is how much local control should be given to school boards to establish criteria for accepting/rejecting students. A primary is to control for inequities that may occur during the process. To minimize the likelihood of unfair or arbitrary selection criteria, 8 of the 12 states (Arkansas, Idaho, Iowa, Minnesota, Nebraska, Ohio, Vermont, and Washington) specify the criteria districts must use for rejecting applications. Some allow districts to add other criteria. In contrast, California legislation requires districts to develop their own policies regarding criteria for acceptance and rejection of applications, while Massachusetts, Oklahoma, and Tennessee do not specify any grounds for rejecting applications, nor do they explicitly delegate this task to districts. The various guidelines under which districts are able to say "no" to transfer students are summarized as follows:

Capacity: Legislation in 7 of the 12 states (Arkansas, Idaho, Iowa, Minnesota, Nebraska, Ohio, and Utah) explicitly states that nonresident students may be rejected if it is determined that no capacity exists in a class, program, school, or district. Washington's legislation does not address capacity, but State Department personnel attest to the fact that it is implicit in the law that local boards may reject transfers based on capacity. Capacity is most often defined by the school districts; however, in Utah, the State Board of Education specifies school capacity.

Application Deadlines: Six states (Arkansas, Idaho, Iowa, Minnesota, Nebraska, and Utah) provide statewide application deadlines, some of which may be extended at district discretion. Students may be rejected if procedural deadlines for application are missed.

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[1] While Colorado and Wisconsin's programs are featured in Appendix B, their programs are not statewide. Colorado's formal choice program is a limited pilot program operating in three districts, while Wisconsin's program only operates within the school district of Milwaukee. While discussing key components in this section, our statewide program "total" will not include these two states. Therefore, the total will be 12, not 14.

Special Education Programs: Six states (Arkansas, Idaho, Iowa, Massachusetts, Ohio, and Utah) allow districts to reject handicapped students not only if capacity does not exist in a program, but also if they do not have a program. Washington and Minnesota's laws specifically state that a child requiring a special program must be accepted and services provided, even when no program currently exists in the district. Wisconsin requires participating private schools to accept the student, but no school is required to provide a specialized program (parents are aware that this is the case prior to enrolling their students). (Note: Wisconsin's provision was required by a Circuit Court decision.)

Prior "Severe" Discipline Problems: Three states (Idaho, Iowa, and Utah) specifically address prior discipline concerns as a condition of enrollment by an out-of-district student. Iowa's law states, "If a pupil has been suspended or expelled in the district, the student is not permitted to transfer until he/she has been reinstated in the sending district"; Ohio's law notes, "A student with discipline problems can be rejected if he/she has been previously suspended for ten days." Utah's 1993 legislation permits students with previous discipline problems to be accepted on a conditional contract.

Desegregation Issues/Racial Balance: Seven of the 12 states (Arkansas, California, Iowa, Minnesota, Nebraska, Ohio, and Washington) have included provisions whereby districts with desegregation plans may limit student transfers (both coming and going) if it adversely affects their racial balance plan. In Ohio, each school board is required to develop a policy on racial balance and to adhere to this policy when making decisions on student transfers. In Arkansas, the state has set limits in that districts with more than a certain minority population percentage can only permit student transfers (both coming and going) if the transfers improve—or at least do not harm—a district's racial balance. In Nebraska, all districts must give preference to minority students if their enrollment could improve the district's racial balance. Racial balance is not specifically addressed in three of the state laws (Idaho, Massachusetts, and Oklahoma). In addition, Utah's legislation permits rejections "as needed to maintain a heterogenous population." Interdistrict transfers in Tennessee are to be "exercised within the limitations of any existing court order or plan developed to comply with the state and federal constitution."

Information Issues: In order for parents to have good information upon which to base their choice decisions, seven states (Arkansas, Massachusetts, Minnesota, Nebraska, Ohio, Utah, and Washington) have included state and local requirements for the distribution of program data. Minnesota's Department of Education informs parents about their program through brochures, radio messages, local districts, a 1-800 telephone number, and press releases; these activities were handled with existing Department funds. In Nebraska, $37,000 was appropriated to their Department of Education during 1989-90 to handle program implementation issues, which includes public information. Massachusetts' law states that a parent information system be established and maintained by the Secretary of Education. Washington's Department of Education annually distributes brochures to schools, districts, and public libraries to inform parents of their enrollment options.

Transportation Issues

Who Is Responsible? Since interdistrict open enrollment involves students travelling outside their district of residence, transportation is frequently considered a key issue. In 6 of the 12 statewide programs (Idaho, Iowa, Minnesota, Ohio, Oklahoma, and Washington) *the parents are responsible* for getting their children to either the border of the receiving district or to an established bus stop within the receiving district. At that point, the receiving district transports the student and is able to claim those miles in its state transportation formula (this approach is fairly revenue neutral since the resident

district no longer counts miles for these students). The other six states require parents to provide transportation to the school. Arkansas originally made the parent responsible for transportation, but modified this in 1991 in an attempt to attract more students. In that state, if either the sending and/or receiving district provides transportation, the district(s) providing transportation is entitled to count the student in its transportation funding formula.

In reference to *transporting special education students*, Nebraska and Washington specifically state that the districts—not parents—are responsible for this task. Other states may have this provision, but it is not clearly stated in their laws.

Support for Low Income Families: In response to the issue that low income parents might not have the same access to transportation, five states (Iowa, Minnesota, Nebraska, Ohio, and Washington) provide additional funding for the reimbursement of transportation costs incurred by low income parents. The definition of low income student varies by state, but most often free or reduced lunch status is the indicator used.

In response to a *maximum distance for which reimbursement* can be provided, Minnesota's law establishes that parents can be reimbursed for a maximum of 250 miles per week at 15 cents per mile. Nebraska does not set a maximum distance, but does state that distance is reimbursed at 68 cents per mile for half the total distance traveled. Ohio has restricted its program whereby students can only transfer to adjacent districts, even if the parent is willing to transport farther.

Overall Transportation Costs: The cost of providing transportation reimbursements is difficult to anticipate since it is impossible to know exactly how many low income and/or special education students will enroll in the program in a given year. Minnesota appropriated $50,000 for this task during 1990-91, of which only $12,500 was used. For the 1991-92 and 1992-93 school years, Minnesota allocated $15,000 for transportation. On the other hand, Nebraska had larger than anticipated transportation claims resulting in the need for subsequent appropriations. The legislature originally appropriated $22,000 for transportation in 1990-91, but this amount fell short of transportation claims by approximately $39,000. An additional appropriation was required to cover the deficit. Based upon their experience during 1990-91, an additional $113,000 was dedicated for 1991-92 to cover claims which ended up totaling $251,493. However, as this amount was insufficient to cover total claims, an additional request has been submitted to the legislature to cover the substantial remainder of the transportation deficit. No other states have appropriated funding for transportation, nor are they tracking transportation costs associated with the programs.

Funding Issues

Each of the 12 states handles the flow of funds slightly differently according to its overall school finance formula. In this regard, only general patterns will be highlighted.

Current Year v. Prior Year Count: Eight of the 12 states (California, Idaho, Massachusetts, Minnesota, Ohio, Tennessee, Utah, and Washington) operate on a current year student count formula, while four states (Arkansas, Iowa, Nebraska, and Oklahoma) use a prior year student count. This issue is important to open enrollment in that districts under a prior year count system do not receive any additional funding for the transfer students they accept until the following year (unless student increases are large enough to warrant sudden growth funding). Within a current year funding system, districts receive additional funding for the transfer students during the first year they are enrolled.

Two of the four states (Arkansas and Nebraska) that have a prior year count

system, offer at least some funding during the current year for transfer students. This is viewed as an incentive to enroll more transfer students if capacity exists. Arkansas effectively "over funds" transfer students during their first year by allowing full payment to the resident district where that student had been for the prior year count and partial payment to the transfer district. Nebraska, in order to financially assist receiving districts in the initial two years of the phase-in, chose to incrementally reimburse receiving districts for Enrollment Option students over a two year period (1992-94).

Who Counts the Students? Districts vary in their approach as to which district continues to count the student. In ten states (Arkansas, California, Idaho, Massachusetts, Minnesota, Nebraska, Oklahoma, Tennessee, Utah, and Washington), the receiving district simply begins to count the transfer student in its formula. However, in Iowa and Ohio, the resident district continues to count the student, while the receiving district "bills" it for the funding.

Special Education Funding: Currently, federal and most state laws indicate that the district of residence is responsible for ensuring that all resident special education students have access to an appropriate program. If the district does not have such a program, it is still responsible for tuitioning the resident student to a district which does.

Within choice, the issue is whether schools should be required by legislation to develop a special education program for *nonresident* students if the school does not have a program. Six of the 12 states with formal legislation clearly state that receiving districts do not have to provide a program. Minnesota and Washington are the only two states that require districts to accept special education students and create the programs they need. Each handles funding for special education transfer students differently.

Minnesota legislation has, in the past, counted special education students in the resident district, where general education aid was received. Special education funding was claimed in the receiving district, which then billed the resident district for other costs. A change in this method will go into effect July 1, 1993, whereby receiving districts will count the student and receive both general aid and special education funding, however, the resident district will still be responsible for any additional cost not covered by the existing funds.

Washington legislation, on the other hand, calls for special education transfer students to be counted in the receiving district where they also receive state funding directly for these students. The resident district is not responsible for any portion of the costs associated with special education students who have transferred to other districts.

Access to Local Funding: In Iowa, the sending district forwards its local portion of total per pupil funding to the receiving district. In Utah, the receiving district counts the student (thereby receiving the state foundation support for that student). However, the resident district is required to transfer 50 percent of its local per student monies to that district. These monies include a per student portion of its voted levy, capital support (but not bonding/debt service), and several other local tax revenues. Under this scenario, parents may still be willing to support voted levies within their resident district although their child no longer attends that district, since a portion of the money will follow the child.

Loss of Students/Funding Issues: When implemented, Iowa's choice provision included a safeguard to prevent districts from suffering excessive student losses. If during the first year of the program a district lost more than five percent of its previous year's enrollment, it could deny any further transfers. During the second year of implementation, if a district lost more than ten percent of the enrollment prior to choice, it could deny any further transfers. This cap was removed after 1990-91.

Of the 12 state programs, choice in Massachusetts has resulted in the greatest cost to the state. Because the sending district was initially required to pay the total cost of educating its students in the receiving districts (which often cost more), the legislature established a plan to reimburse sending districts for student funding lost in open enrollment. First, sending districts were made responsible for only 75 percent of the cost of education in the receiving districts (or a $5,000 cap, whichever is less), although sending districts remain responsible for funding special education transfer students at 100 percent of the receiving district's cost. Second, districts are eligible for state reimbursement for 50 percent of the 75 percent they paid the receiving districts. Districts that lose more than two percent of their budgets through the choice program are eligible for a reimbursement of the total 75 percent tuition they paid to receiving districts. The total cost to the state for FY 1993 was $7 million.

Although sending districts under other state plans have lost funding through open enrollment, none have been as dramatic as Massachusetts. The reason for this is that all but one of the states require districts to transfer only the state portion of per pupil funding. Even when the local portion is transferred, as it is in Iowa, and 50 percent of the local portion in Utah, the sending district is not responsible for any additional amount it may take to educate a student in the receiving district, with the exception of special education students.

No states have reported having to lay off teachers due to loss of funding. This is an issue since districts want to keep the "best" teachers as they attempt to improve, and most states require that layoffs be based on seniority.

Athletic Eligibility/Recruiting

Although minor in reference to other state-level issues, provisions regarding athletic recruiting have been enacted in several open enrollment states. Under most current state interscholastic association rules, students who transfer to another district without actually relocating to that district may be declared ineligible for one year (due to concern over illegal recruiting). Four states have enacted this ruling whereby transfer students may be ineligible to participate in sports for one year. Iowa's period of ineligibility is the first 90 days of school, while Oklahoma sets the ineligibility period at one semester. Most often this is not directly addressed in the legislation, but is the jurisdiction of a state level activities or athletic association.

Annual Report

Legislation in four states (Idaho, Iowa, Nebraska, and Washington) require that an annual report be completed. An additional two states only require specific information be reported: racial and gender trends of transfers in Arkansas, and names/grade levels of transfer students in Oklahoma. Ohio required a report for only the first year of the program. The content of reports varies by state. Most reports describe the numbers of transfers, some including the numbers of denied applications, reasons for transfers, and the number of appeals. Washington also requires districts to report whether interdistrict choice has affected program offerings (i.e., whether the number of students transferring has forced the closure of existing programs/classes, thereby resulting in teacher lay-offs or necessitated hirings).

The only state which provides a thorough evaluative report of its program is Wisconsin's limited private school voucher program, The Milwaukee Parental Choice Program. Here, researchers at the University of Wisconsin-Madison compare student achievement, parental attitudes and involvement, and reasons for transferring, to students not involved in the program.

Ongoing Issues/Legislative Activities

In 1993, most states with formal choice programs either discussed unresolved issues

or proposed additional legislation. Although changes in most states related to specific program components and can be considered refinements to existing laws, there were some substantive changes made as well. Idaho mandated district participation, since the existing law only required districts to develop policies describing participation or non-participation. Massachusetts is currently considering two diametrically opposed reforms; one is proposing a moratorium on choice, while the other is proposing full, mandatory implementation of choice. Racial balance was addressed in two states. Arkansas approved extending the application deadline if doing so would promote desegregation, while Iowa is considering collecting data specifically to determine if "white flight" is occurring. Voucher programs have also made an appearance in legislatures in 1993. Arkansas considered but did not pass a voucher bill, while a voucher bill in Ohio has not been decided. Californians will be considering a voucher initiative in an election scheduled for November, 1993.

The table on the following pages provides a brief summary of most of the key components that constitute formal statewide programs, as well as Colorado and Wisconsin's pilot programs. A description of each state's choice program follows the table.

"FORMAL" STATE CHOICE PROGRAMS - 1993

	ARKANSAS	CALIFORNIA	COLORADO	IDAHO	IOWA
Intradistrict	V	V	M-1990/91	M-1993/94	V
Interdistrict	V-1989/90	V-Pre 1968;1987	V-1990/91 (pilot project)	V-district policy by 1991	M-1990/91
State Guidelines for Rejecting Transfers	capacity; no program; deadline; desegregation	desegregation	not specified	capacity; no program; deadline; discipline problem	capacity; no program; deadline; desegregation; discipline
Application Deadline/Reapply	April 17/no	district option	district option	February 1/yes	October 30/October 30 of 4th year
Pupil Commitment	no	no	no	1 year	4 years
Transportation Responsibility/Subsidized	parent-school/no	parent-school/no	parent-school/no	parent-border/no	parent-border/low income-yes
Funding for Transfer Students/Local funding	R counts; prior year funding w/some current year support/local $ not transferred	R counts; current year funding/local $ not transferred	R counts; current year funding/local $ not transferred	R counts; current year funding/local $ not transferred	S counts/R bills; prior year funding/local $ follows student
Athletes Ineligible	yes - 1 year	yes - 1 year	no	yes - 1 year	yes-first 90 school days
Annual Report	specific data only	no	yes	yes	yes
1993 Interdistrict Transfers/state K-12 population (% Usage)	1,041/440,682 (0.2%)	data not collected	1993 not available 1991/92=52/568,491 (<0.1%)	3,294/231,700 (1.4%)	7,500/485,819 (1.5%)
Key Reasons Given for Leaving District	data not collected	data not collected	program; learning opportunities	data not collected	proximity to school; education benefits; curriculum; activities
Special Appropriation	none	none	$300,000 allocated by Department of Education for each year of pilot	none	none
% Minority in State K-12 Population	24%	56.6%	25%	10%	5.9%

Legend: V - Voluntary; M - Mandatory; R - Receiving District; S - Sending/Resident District

Morrison Institute for Public Policy
Arizona State University
July, 1993

"FORMAL" STATE CHOICE PROGRAMS - 1993

	MASSACHUSETTS	MINNESOTA	NEBRASKA	OHIO	OKLAHOMA
Intradistrict	V	V	V	V-1989/90; M-1993/94	V
Interdistrict	V-1991/92	V-1987/88; M-1990/91	V-1990/91; M-1993/94	V-district policy required by 1993/94	V-pre-1968
State Guidelines for Rejecting Transfers	not specified	capacity; deadline; desegregation	capacity; deadline; desegregation	capacity; no program; racial balance	not specified
Application Deadline/Reapply	district option	January 15/no	January 1/no	May 1/district option	May 15/yes
Pupil Commitment	no	1 year	1 year	no	no
Transportation Responsibility/Subsidized	parent-school/no	parent-border/low income-yes	parent-school/low income-yes	parent-border/low income-yes	parent-school or border/no
Funding for Transfer Students/Local funding	R counts; current year funding/state deducts S funds/local $ not transferred	R counts; current year funding/local $ not transferred	R counts; prior year funding w/some current year support/local $ not transferred	S counts/R bills; current year funding/local $ not transferred	R counts/prior year funding/local $ not transferred
Athletes Ineligible	no	no	no	no	yes-1 semester
Annual Report	no	no	yes	yes, first year only	names and grades of transfer students to State Board
1993 Interdistrict Transfers/state K-12 population (% Usage)	3,635/848,000 (0.4%)	1993 not avilable 1992=9,885/766,647 (1.3%)	4,755/281,301 (1.7%)	559/1,629,438 (<.1%)	25,131/587,130 (4.3%)
Key Reasons Given for Leaving District	data collected, but not analyzed	data collected, but not compiled	curriculum offerings	data not collected	data not collected
Special Appropriation	For district reimbursement: 1991/92=$2.9 million 1992/93=$7 million	For transportation: 1987/91=$50,000/year 1992/93=$15,000	For transportation: 1990-91=$61,337 1991-93=$137,423/year	none	none
% Minority in State K-12 Student Population	20%	10%	10%	17%	27%

Legend: V - Voluntary; M - Mandatory; R - Receiving District; S - Sending/Resident District

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"FORMAL" STATE CHOICE PROGRAMS - 1993

	TENNESSEE	UTAH	WASHINGTON	WISCONSIN
Intradistrict	V	M-1993/94	M-1990/91	M-1976 (for deseg. w/in 4 districts)
Interdistrict	V-1925; 1992	M-1993/94	M-1990/91	M-1990 Milwaukee Parental Choice Program (private schools)
State Guidelines for Rejecting Transfers	not specified	capacity; no program; deadline; as needed to maintain heterogenous population; discipline problem	desegregation	only 1% of Milwaukee's yearly public school enrollment eligible; # of transfers not to exceed 49% of private school enrollment
Application Deadline/Reapply	district option/no	January 31/no	district option	school option/no
Pupil Commitment	no	no	district option	no
Transportation Responsibility/Subsidized	parent-school/no	parent-school/no; or district w/state reimbursement	parent-border/low income-yes	district provides transportation to all students
Funding for Transfer Students/Local funding	R counts; current year funding/local $ not transferred	R counts; current year funding/S sends 50% of its local portion	R counts; current year funding/local $ not transferred	private schools paid average state per pupil amount directly by state
Athletes Ineligible	yes-12 months	yes-1 year	yes-1 year	no
Annual Report	no	no	yes	yes
1993 Interdistrict Transfers/state K-12 population (% Usage)	21,961/857,435 (2.6%)	7,000/461,259 (under 1946 legislation) (1.5%)	11,746/894,748 (1.3%)	613/95,311 (Milwaukee only) (0.6%)
Key Reasons Given for Leaving District	data not collected	data not collected	program; proximity to child care/parent's job	quality of school; disciplinary environment
Special Appropriation	none	none	For brochures: 1991-92=$200,000	none
% Minority in State K-12 Student Population	24.4%	8.2%	18.6%	not applicable -- single district program

Legend: V - Voluntary; M - Mandatory; R - Receiving District; S - Sending/Resident District

Morrison Institute for Public Policy
Arizona State University
July, 1993

ARKANSAS

Overview/History

In 1989, the legislature passed a statewide voluntary interdistrict choice plan requiring each school district to formulate a policy regarding its participation or non-participation. Currently, 163 of 319 districts are participating. Voluntary intradistrict transfers have always existed.

Key Components

Student Application/Approval Process: State law attempts to ensure fair ***application procedures and selection criteria*** by permitting districts to deny transfer students for the following reasons only: 1) capacity; 2) program availability; 3) missing the April 17 application deadline; and 4) hampering desegregation efforts.

There is ***no ceiling*** on the number of students who can leave from a district in a given year. The Department of Education requires districts to "publicly announce" ***information to parents*** about their participation and policies regarding interdistrict choice. Transfer students are ***not required to commit*** to a specific length of enrollment, nor do they reapply each year.

Transportation: Parents of non-handicapped students have the primary responsibility for providing transportation at their own expense. However, if either the sending and/or receiving district chooses to provide transportation for a student, the district(s) providing transportation is entitled to count the student in its transportation funding formula. Districts are only required to provide transportation for handicapped students if required as a related educational service.

Funding: State aid represents an average of 60 percent of the total per pupil expenditures for all districts. Monthly payments to districts are based on their prior year's student count; however, an adjustment is made mid-year to reimburse all districts for their current year enrollment (which includes transfer students). Locally raised revenue does not follow the student to the receiving district.

Racial Balance: Arkansas currently has four urban districts under court-ordered desegregation that are exempt from participating in interdistrict transfers unless it improves their racial balances. Districts not under court-ordered desegregation cannot upset the current racial makeup of their student populations. If this occurs, the State Board of Education can intervene by investigating the transfer situation. However, because of the concentration of minorities in southeast and central Arkansas, districts generally tend to exchange white students for white students and minority students for minority students.

Athletes: Athletes who transfer are ineligible for one year.

Annual Report/Program Findings: While districts are not required to submit a formal report, they are required to provide specific data to the "Equity Assistance Center" within the Department of Education regarding race and gender of transfers. However, this demographic information was not made available for inclusion in this report.

Ongoing Issues/Legislative Activities

The 1993 legislative session produced two bills pertaining to choice. The first bill, considered likely to pass, would remove the April 17 application deadline if a later deadline would further a district's desegregation efforts. The second bill, which did not pass the House Education Committee, would have established a statewide voucher system permitting parents to send their children to the public or private (including sectarian) school of their choice, with voucher amounts varying depending on the type of school and income level of parents.

ARKANSAS' OPEN ENROLLMENT: 1989-1993

	Participating Districts	Interdistrict Transfers/ State's K-12 Population	Legislative Allocations	State Transportation Costs	Legislative Update
1989-90	-	-	-	-	• passed in 1989
1990-91	130/324	630/434,679 (0.1%)	none	none	none
1991-92	147/320	1,037/437,246 (0.2%)	none	none	none
1992-93	163/319	1,041/440,682 (0.2%)	none	none	• proposed deadline change • private school vouchers
1993-94	-	-	-	-	-

CALIFORNIA

Overview/History

Legislation regarding voluntary interdistrict choice has existed in California for close to thirty years, although it does not detail specific reasons for which districts have to permit transfers. The governing boards of two or more districts may enter into interdistrict attendance agreements or handle transfer requests on a case-by-case basis. The decision of whether to engage in either attendance agreements or permit transfers as needed is at the discretion of school districts. Additional legislation—called the "Doris Allen" law (named after the author)—was passed in 1987. It permits parents to request transfers for their children to attend school in the district in which they work. Intradistrict transfers occur at the discretion of school districts.

Key Components

Application/Approval Process: Parents residing in districts which have interdistrict attendance agreements may receive a permit to transfer from the district of residence, which is considered valid when endorsed by the receiving district. Legislation does not describe grounds for denying transfers; however, districts' interdistrict attendance agreements must specify the terms and conditions under which interdistrict transfers will be allowed or denied. If either district denies the transfer, it must notify parents of their right to appeal. Parents have 30 days to appeal the decision to the county board of education, which in turn, decides to either allow the transfer if sufficient cause has been shown or it may deny the appeal.

Legislation does not describe prescribe a ***ceiling*** on the number of transfers, and no minimum length of ***pupil commitment*** is required. Interdistrict attendance agreements are to be in effect for no more than five years, with most individual transfers active for only one year at a time. No method or requirement for providing ***information to parents*** about the existence of interdistrict attendance agreements is described in legislation.

Transportation: Transportation is not addressed in the legislation. California does not directly provide uniform funding at the state level for transportation. A small transportation allowance is included within the state's per pupil funding formula for some districts; however, the decision to provide students with transportation services is a district's.

Funding: The receiving district counts transfer students in their Average Daily Attendance (ADA). Part of the state money is raised by local property taxes and apportioned to districts according to the state's entitlement formula.

Racial Balance: Original legislation did not address racial balance; however, the Doris Allen law states that districts can deny transfers if such transfers would impact court-ordered or voluntary desegregation efforts.

Athletes: Athletic eligibility is governed by the California Interscholastic Federation and requires transfer students to be ineligible for one year.

Annual Report/Program Findings: There is no formal reporting mechanism required by the original law, nor are data collected. Therefore, there is no way of knowing how extensively the program is used. The "Doris Allen" law described some data collection requirements regarding reasons for transfers; however, this section was repealed after three years.

Ongoing Issues/Legislative Activities

In 1993, two choice bills have been introduced in the Assembly; they propose comprehensive, mandatory intra- and voluntary public school interdistrict choice programs. The mandatory intradistrict choice bill requires the receipt of state money to be contingent upon districts establishing a

policy of open enrollment for their resident students. The interdistrict bill offers a much more detailed program than what already exists. For example, provisions would require participating receiving districts to employ an unbiased selection process; establish a ceiling on the number of transfers permitted to leave a district in one year; determine an application deadline; permit automatic renewal of applications for successive years; provide an outreach program to inform parents; supply an annual report of transfers to the Superintendent of Public Instruction with a subsequent report to the legislature; and, be subject to an evaluation of the program by the Department of Education beginning in 1999. A provision in both bills states that they must pass in tandem.

Finally, the school voucher election, envisioned for June, 1994, has been moved ahead to November, 1993. The voucher initiative would provide state-funded scholarships for current and future children attending private and parochial schools. Scholarships would be funded at approximately half (i.e., $2,600) of what is currently spent per student in California. Already a hot issue, it is anticipated by Department of Education personnel that a major battle will ensue.

CALIFORNIA'S OPEN ENROLLMENT: PRE-1970-1993

	Participating Districts	Interdistrict Transfers	Legislative Allocations	State Transportation Costs	Legislative Update
Pre-1970	-	-	-	-	• passed prior to 1970
1986-87	data not collected	data not collected	none	none	• "Doris Allen" passed 1987
1987-92	data not collected	data not collected	none	none	none
1992-93	data not collected	data not collected	none	none	• proposed intra-/interdistrict program • private school voucher on ballot 11/93
1993-94	-	-	-	-	-

COLORADO

Overview/History

In 1990, the legislature passed into law a two-fold plan regarding intra- and interdistrict choice. The first component dealt with intradistrict choice and required all districts to establish policies and procedures allowing resident students to apply to any program or school within their district. The second component created a six year pilot (1991-1997) whereby the Department of Education annually funds three districts' projects designed to encourage interdistrict transfers. Both components of the legislation are described below.

In addition to the six year pilot designed to promote interdistrict transfers, districts also practice informal interdistrict choice that is not addressed in legislation but occurs at districts' discretion. Because the intent and the characteristics of the informal interdistrict choice differ from the pilot program, it has also been included.

Intradistrict School Choice

Overview: Intradistrict transfers can only be denied for four reasons: 1) capacity; 2) a school facility not structured to accommodate a child with special needs, or the necessary program is not offered; 3) a student does not meet the established eligibility criteria, (e.g., age, course prerequisites); and 4) the disruption of a district's desegregation plan. Transportation beyond normal bus routes is the responsibility of parents. No data are available as to how widely intradistrict transfers are utilized.

Interdistrict Public Schools of Choice Pilot Program

Overview: The purposes of the Interdistrict Public Schools of Choice Pilot Program are twofold: the first grants parents the right to choose the school their child will attend and the second provides some attractive alternatives from which to choose. To that end, three districts are selected annually by the Department of Education based on the innovation of districts' proposals to reform curriculum and instructional delivery. For example, the three programs approved for the 1991-92 school year offered: 1) a program for at-risk high school students and dropouts; 2) higher level course work via an interactive audio-video telecommunications network which is proposed to link 15 districts; and 3) an international, multicultural curriculum. To implement these reforms, each district receives approximately $100,000 for one year with three different districts being selected each year. The pilot is overseen by the State Board of Education, which established rules governing districts' applications, participation, and evaluation.

Student Application/Approval Process: No state laws exist which address the manner in which the ***student application/approval process*** occurs. However, State Board rules and regulations state that a district's proposal must specify conditions of student acceptance and rejection, which may include capacity. Criteria prohibiting the rejection of student applications include gender, race, ethnicity, handicapping condition, or place of residence.

There is ***no ceiling*** on the number of students who are permitted to leave a district; however, each district has the option of placing a ceiling on the number of students it receives. Each local district is responsible for ***informing parents*** of the open enrollment option via letters, publications, and/or local newspapers. Transfer students are ***not required to commit*** to a specific length of time; however, each district has the option of requiring a time commitment.

Transportation: No district is required to provide transportation to any of its students. In most cases, it is the responsibility of the parent to provide transportation to and from the school. Grant

money can be used to provide transportation services.

Funding: State funding follows the student to the receiving district; locally raised revenue does not.

Racial Balance: Racial balance issues are not addressed within the law.

Athletes: Athletic eligibility has been an issue at only one of the schools in the pilot program. This participating high school permits transfer students to become eligible immediately; however, students transferring back to their resident district are ineligible for one year.

Annual Report/Program Findings: The State Board of Education is responsible for establishing and collecting the pilot program evaluation data. The report contains information on the number of students in the program; the percentage of students transferring from outside the district; and parents' and students' reasons for participating and their satisfaction with the program. Additional issues are examined such as the replicability of pilot sites' programs and their plans to continue the programs beyond the one year of funding provided by the grant.

The State Board of Education reports that parent and student surveys indicate a very high satisfaction rate with the pilot programs. Reasons parents and students gave for transferring were program specific and focused more on learning opportunities provided and less on issues of proximity and convenience. In 1991-92, interdistrict requests constituted seven percent of the enrollment at the pilot schools.

A copy of Colorado's annual report is available from Frank Rainey, Sr. Consultant, Colorado Department of Education, 201 E. Colfax, Denver, CO 80203.

Interdistrict Choice—Informal

Overview: In addition to the formal choice legislation, districts have always had the local control to practice informal interdistrict choice. Since data was first collected by the Department of Education in 1987, the extent of this informal program has grown 81 percent and currently involves 5,984 students (approximately one percent of Colorado's student population). While districts cannot deny students the right to leave, each district accepts students on an individual basis and is permitted to charge parents tuition—although 134 of 176 participating school districts currently permit interdistrict transfers without charging tuition.

Overall, the key components which constitute legislated interdistrict choice plans are not always applicable when discussing Colorado's informal choice option because of local control issues. The Department of Education has not established guidelines regarding interdistrict transfer policies.

Transportation: All school districts determine locally whether to provide transportation for their own students; this remains the case in both the choice pilot program and informal interdistrict choice.

Funding: Transfer students are counted by the receiving district, with state funding following the student. Local funds do not follow the student; however, districts have the option to charge tuition to parents of transfer students.

Racial Balance: The Denver School District is under a court-ordered desegregation plan and must ensure that no transfers create a racial imbalance.

Ongoing Issues/Legislative Activities

The eligibility of special needs students was one of the most deliberated components of the *intradistrict* choice plan. Initial legislation allowed special needs students to attend the school of their choice within their

district; however, this was modified in the following legislative session to state that schools can now reject a special needs student's request for transfer if the school does not already offer the program necessary for the student.

During the 1993 legislative session, a statewide *interdistrict* choice bill was considered for implementation in 1993-94 that would have prohibited districts from charging parents tuition; freed both the sending and receiving districts from having to provide transportation; permitted districts to continue to establish their own criteria for accepting and rejecting students (intradistrict transfer requests would have a priority over non-resident students); and determine their own capacity. This bill passed the House Education Committee but was defeated in the Senate Education Committee.

COLORADO'S INTERDISTRICT PUBLIC SCHOOLS OF CHOICE PILOT PROGRAM: 1989-1993

	Participating Districts *	Interdistrict Transfers/State's K-12 Population **	Grant Funding Through CO Department of Education ***	State Transportation Costs	Legislative Update
1989-90	-	-	-	-	• passed in 1989
1990-91	-	-	-	none	• reject special ed. students
1991-92	3/176	52/568,491 (<0.1%)	3 @ approximately $100,000 each	none	none
1992-93	3/176	not available/ 567,412	3 @ approximately $100,000 each	none	• formal interdistrict choice defeated
1993-94	3/176	-	3 @ approximately $100,000 each	-	-

* Three different districts are selected each year to participate in the pilot program.

** Under the informal open enrollment plan 5,984 students transferred, representing one percent of Colorado's K-12 students.

*** No funding was allocated by the legislature for this pilot program. The Department of Education has the authority from the legislature to use its audit recovery money (money recovered from a pupil audit of the 10 largest school districts) for discretionary purposes and has committed these funds to this program.

IDAHO

Overview/History

In 1990, the legislature passed a statewide interdistrict choice plan which required all districts to establish guidelines for accepting and rejecting transfer students beginning in 1991-92. Districts cannot prohibit students from leaving, but may opt not to receive students. Legislation passed in March, 1993, now requires all districts to also allow intradistrict transfers.

As of fall, 1993, all but 3 of 113 districts had submitted their interdistrict transfer policies to the Department of Education. One district is exempt by virtue of having been created through a territorial government charter in 1885 which provided a tuition arrangement. The remaining two districts not in compliance are one room schools that have not responded to Department requests.

Key Components

Student Application/Approval Process: State law requires each district to establish its own capacity and guidelines to ensure fair ***application procedures and selection criteria***. Students can be denied transfers for three reasons—capacity (e.g., program, class, grade level, or school building), missing the February 1 application deadline, or if the student is under suspension or expulsion at another school.

No ceiling exists on the number of students who can transfer from a district in a given year. Neither the State Department of Education nor the districts are required to ***inform parents*** about the option of interdistrict transfers. Students are ***not required to commit*** to a specified period of enrollment but must reapply to the receiving school each year by February 1. This deadline can be waived upon agreement of both sending and receiving districts.

Transportation: Parents are responsible for transporting students to a designated bus stop within the receiving district; no reimbursement is provided for low-income families. The legislation did not address the transportation of handicapped students; therefore, parents who send their handicapped child to another district do not receive either transportation services or reimbursement for providing their own transportation.

Funding: Districts receive state funding payments five times a year based on their average daily attendance (ADA). The average state portion of per pupil funding is 70 percent; however, some resource-rich districts receive as little as 17 percent while districts with less locally raised revenue receive as much as 87 percent. Transfer students are considered resident students in the receiving district's ADA. Local tax dollars do not follow the student.

Racial Balance: It was noted that there is no need to control student population balances because minority students represent only 10 percent of the total state student population.

Athletes: Neither the interdistrict choice legislation nor State Board of Education rules and regulations address athletic eligibility. The Idaho High School Activities Association determines athletic eligibility and has specified that high school athletes are ineligible for one year when they transfer to a new district; however, if they move into a new district, they are eligible after two weeks.

Annual Report/Program Findings: The State Department of Education conducts an annual survey of each school district to determine the number of participants and denied applications. Interdistrict transfers have increased from 2,150 in 1990-91; to 2,580 in 1991-92; and 3,294 in 1992-93. Parents' reasons for transferring their students have not been collected to date. The annual report is not available for dissemination.

Ongoing Issues/Legislative Activities

Legislation requiring all districts to allow intradistrict transfers passed in March, 1993, and will be effective July, 1993. There are no plans to alter the current interdistrict choice legislation.

IDAHO'S OPEN ENROLLMENT: 1990-1993

	Districts with written policies	Interdistrict Transfers/ State's K-12 Population	Legislative Allocation	State Transportation Costs	Legislative Update
1990-91	23/113	2,150/220,800 (1%)	none	data not collected	• passed March 1990
1991-92	99/113	2,580/225,700 (1%)	none	data not collected	none
1992-93	110/113	3,294/231,700 (1.4%)	none	data not collected	• mandatory intradistrict legislation passed March 1993
1993-94	-	-	-	-	-

IOWA

Overview/History

Interdistrict public school choice, enacted by the Iowa legislature in 1989, required all school districts to establish interdistrict transfer policies by 1990-91. However, school districts subject to voluntary or court-ordered desegregation could elect not to participate during the first year but were required to develop policies for implementation in 1991-92. Intradistrict transfer policies continue to be determined by each local school district.

Legislation also required the state's portion of aid, in addition to a resident district's locally raised revenue, to follow the student. As a result, a lawsuit was filed in the Iowa District Court in 1991 by the Exira Community School District and some of its residents against the state of Iowa and the Department of Education regarding the constitutionality of the funding of students transferring out of Exira. Because the district was judged to be a subdivision of the state, and therefore not in appropriate standing to sue the government over constitutionality, the district was removed from the case and the residents were left as sole plaintiff. The claim was that the finance mechanism removed locally raised tax dollars from their district, regardless of the receiving district's need. The judge ruled that the plaintiff's claims were invalid and that the statute did not violate the substantive due process rights nor equal protection of the plaintiffs.

A feature unique to Iowa's interdistrict plan allows parents to choose only the *district* they want their children to attend—not the school within the district. The district reserves the right to assign each child to a school as it deems appropriate. It was noted that this approach was taken in order to maintain equality among schools (e.g., class size).

Key Components

Student Application/Approval Process: State law declares that students can have their ***applications*** denied for enrollment in another school district for the following reasons: 1) lack of classroom space; 2) disrupting minority and non-minority pupil ratios in districts with voluntary or court-ordered desegregation plans (if a request is denied by the superintendent due to a desegregation plan or order, the parent can appeal the decision to the school board of the district in which it was denied); 3) no good cause can be provided as to why the application deadline of October 30 was not met; 4) a pupil has been suspended or expelled in the district (the student is not permitted to transfer until he/she has been reinstated in the sending district); and 5) the student requires a program not offered in the receiving district. While each school board must adopt a policy regarding the order in which requests for enrollment from other districts shall be considered, parents may appeal to the Department of Education if sending or receiving districts deny a transfer.

Standard transfer application forms are located at all school district offices. Parents/guardians must formally notify their resident district by October 30 of their intent to transfer their child in the following academic year; however, school districts may extend this deadline to June 1. Extensions are also granted to June 1 for specific circumstances such as kindergarten enrollment, parents moving to another district, and showing good cause for missing the original deadline. Parents must explain their reason for requesting a transfer on the notification form.

During 1990-91, all districts were allowed to place a ***ceiling*** on transfers of five percent of its previous year's certified enrollment; in 1991-92, the percentage was increased to 10 percent. No limits were allowed beyond the 1991-92 school year. Each local district can provide ***information to parents*** but are not required to do so. The length of ***pupil commitment*** required of each

transfer student is a period of not less than four years. A student cannot be released from this agreement unless the pupil graduates; the pupil's family moves to another school district; or the parent petitions the receiving district by October 30 of the previous school year for permission to enroll the pupil in an alternative district, which may include the district of residence. The transfer student is required to reapply after the four-year commitment.

Transportation: Parents of non-handicapped students are responsible for transporting students to and from a point on a regular school bus route of the receiving district. Parents of handicapped students are also responsible for transportation unless it is listed as an educationally related service in an Individual Education Plan (IEP). For any parent who meets the economic eligibility requirements (i.e., 160 percent of federal poverty guidelines) established by the Department of Education and State Board of Education, the sending district is responsible for providing transportation or paying the pro rata costs to the parent/guardian for transporting the pupil to and from a point on a regular school bus route of a contiguous receiving district. Initially, receiving school districts were not able to send school vehicles into a pupil's resident district. This has since been changed and may occur if amenable to both sending and receiving districts.

Funding: The sending district pays tuition to the receiving district equalling the lower of the two districts' cost per pupil (representing a combination of state aid and local property taxes), plus any funding received for the student as a result of the non-English speaking weight and money allocated to the district for the full-equivalent attendance of the student. The sending district continues to count the transfer pupil in their formula.

Racial Balance: To control population balances and prevent districts from being charged with violations of civil rights laws, the state has established Method of Administration (MOA) visits. A Department of Education team visits schools selected randomly or specifically based on data forecasting potential problems. This team also revisits schools that have had problems in the past.

The cities of Des Moines, Waterloo, Cedar Rapids, and Davenport have desegregation plans and, therefore, limit interdistrict transfers of non-minority students in order to maintain their racial balances.

Athletes: Non-resident choice pupils in grades 10 through 12 are not eligible to participate in interscholastic athletic contests or athletic competitions during the first 90 days of enrollment; legislation in 1991 reduced this from one year. Exceptions from the current restriction are interscholastic sports in which the resident and receiving districts jointly participate as one team or the sport in which the pupil wishes to participate is not offered in the student's district of residence.

Annual Report/Program Findings: Original legislation required the Department of Education to submit an annual report to the legislature—based on data supplied by each school district—for only the first three years of the program. However, due to concerns regarding "white flight," the Department of Education is anticipating having to collect additional information regarding racial trends of transfer students beginning in 1993.

The number of interdistrict transfers has increased steadily each year. During the first year of open enrollment (1990-91) 1,674 students participated; in 1991-92, this number increased to 5,448; and, in 1992-93, climbed to 7,500. As of March 1993, transfer applications submitted to the Department of Education for 1993-94 indicated a leveling off when compared to the previous two years.

Reasons parents give for opting out of their resident district, in order of occurrence,

include: 1) proximity to new district; 2) breadth, diversity, and specific subject/program emphasis of academic or course offerings; 3) educational quality and support services; 4) availability of specialized activities (e.g., debate, music, specific sports); 5) more students of a specific ethnic background; 6) convenient location; 7) peer group association; 8) school atmosphere/philosophy; and 9) conflict with staff/students in prior school.

Included in Iowa's 1992 Annual Report are the results of a study conducted in December, 1991, that surveyed and gathered demographic information on over 600 parents whose children were participating in interdistrict choice. Some of the key findings included: 1) higher socioeconomic households were more likely to use the open enrollment option, the typical family responding was white, two-parent, one or two children, and above average education and income level; 2) 94 percent of respondents believed that the transfer had accomplished its purpose; 3) over 95 percent of respondents were either very or somewhat satisfied with the transfer process; 4) the most frequently cited reason for dissatisfaction with the transfer experience was the transportation policy; 5) the most common "entry level" grade for enrolling a child in a transfer district was kindergarten; 6) students from non-public and public schools were equally likely to use the enrollment option; and 7) parents reported that larger districts provided more educational opportunity, and indeed, most transfers involved movement to a larger school district. However, regardless of district size, most respondents believed that choice had increased academic opportunities. The findings did not differ substantially by demographic factors, although respondents with college or graduate degrees had generally lower levels of satisfaction with application procedures, and those from the highest income level had the lowest overall satisfaction ratings.

A copy of Iowa's annual report is available from Don Helvick, Consultant, Iowa Department of Education, Grimes Office Building, Des Moines, IA 50319-0146.

Ongoing Issues/Legislative Activities

An issue of concern involves desegregation efforts in urban areas and the subsequent refusal of transfer requests for non-minority students. Although the requests have been denied to prevent "white flight," these refusals have given rise to numerous appeals being filed by parents, angry at having been denied the open enrollment opportunity available to the rest of the public. Consequently, the legislature is currently considering requesting that more data be gathered by the Department of Education regarding race and socioeconomic status of transfer requests so that it can more systematically determine whether or not "white flight" would occur as a result of choice. In addition, the school district of Des Moines has claimed that funding for transfer students has taken funds that would otherwise go to desegregation efforts.

In 1993, the legislature considered the issue of locally raised revenue for transfer students in that sending districts' portion of per pupil funding (local property taxes) currently follows the student. Districts that have lost a number of students, such as Des Moines, have felt the impact of losing this local revenue that would normally support students enrolled in their district. A House Bill introduced in 1993 attempted to substitute the sending district's portion of locally raised revenue with that of the receiving district. However, this bill was very controversial and did not pass.

The Department of Education has recommended that legislation be enacted that would require transportation reimbursement policies and application timelines be published in newspapers of general circulation. No other changes to the present law have been suggested by the Department.

IOWA'S OPEN ENROLLMENT: 1989-1993

	Participating Districts	Interdistrict Transfers/ State's K-12 Population	Legislative Allocation	State Transportation Costs	Legislative Update
1989-90	-	-	-	-	• passed March 1989
1990-91	425/430 (5 districts with deseg. plans excluded)	1,674/483,412 (0.3%)	none	data not collected	• state guidelines • transportation • athletics
1991-92	425/425	5,448/484,429 (1%)	none	data not collected	• athletics • transportation
1992-93	418/418	7,500/485,819 (1.5%)	none	data not collected	• proposed deseg. related data collection • revise local property tax transfer
1993-94	all districts	-	-	-	-

MASSACHUSETTS

Overview/History

In March, 1991, legislation was passed that implemented a voluntary statewide interdistrict choice plan. Intradistrict transfers were not addressed in this legislation and continue to be at the discretion of each school district.

The funding of the Massachusetts choice program is markedly different than any other state and results in extensive costs to the state. Numerous legislative adjustments and allocations have been made throughout the short history of the program. Presently, there is much debate regarding how best to address interdistrict choice.

Key Components

Student Application/Approval Process: State law allows districts to determine their own capacity and application deadlines, but it does not require a district to offer a program that currently does not exist. While a district can prohibit non-resident students from attending its schools, it cannot prevent a student from leaving nor charge parents a transfer fee for transfer students. In addition, transfer students are not required to reapply each year and cannot be dismissed if a district reverses its interdistrict policy.

There is no ***ceiling*** on the number of transfers which can occur in a year, nor is there a minimum length of ***pupil commitment***. The law states that a ***parent information*** system be established and maintained by the Secretary of Education to disseminate comprehensive information regarding districts participating in the choice program. Information will be disseminated via school districts, public service announcements, and a 1-800 number.

Transportation: Transportation was not addressed in the 1991 legislation.

Funding: The original funding mechanism for the choice plan allowed the state to deduct from the sending district's Chapter 70 funds (state education aid) an amount equal to 100 percent of the per pupil expenditure to educate a student (including special education students) in the receiving district. A program initiated by the legislature mid-year partially reimbursed sending districts that lost Chapter 70 aid under school choice. In July, 1992, the per pupil amount for which sending districts were responsible was lowered to 75 percent of the receiving district's per pupil expenditure or $5,000, whichever is less. Sending districts are eligible for state reimbursement for 50 percent of the 75 percent (of receiving district's per pupil tuition). Districts which lose more than two percent of their budgets through the choice program are eligible for a reimbursement of the total 75 percent tuition they paid to receiving districts. However, sending districts are still responsible for 100 percent of the receiving district's cost for special education transfer students. Locally raised revenue does not follow the student.

Racial Balance: Racial balance is not addressed under the current legislation.

Athletes: The Massachusetts Interscholastic Athletic Association has determined that all transfer students are ineligible for athletics for one year.

Annual Report/Program Findings: There is no requirement for an annual summary report to be developed. However, each participating receiving district is required to report to the State Department of Education 1) the number of transfer students; 2) the residence of each student; 3) the annual amount of tuition for each student; and 4) the total tuition owed to the district based on full or partial attendance. Based on the information provided, districts are allotted their Chapter 70 funds. Sending districts report similar information to the Executive Office of Education and are then reimbursed for students lost through educational choice. The Executive Office of

Education also collects reasons parents give for transferring, but no attempt has yet been made to analyze the data.

The interdistrict choice program has increased from 1,106 students in 1991-92 to over 3,209 in 1992-93. Due to the considerable cost to the state, legislators have been at odds regarding how best to reconfigure the program.

Ongoing Issues/Legislative Activities

Currently, two comprehensive educational reform bills are making their way through the House and Senate, each addressing school choice from opposite directions. The Senate education reform includes provisions to mandate districts' participation in the educational choice program on a space available basis, reimburse low-income families for transportation costs, and increase the reimbursement program. This measure passed the Senate in March, 1993.

The House education reform bill includes a provision to impose a moratorium on school choice. The moratorium would put an end to student transfers until the full budgetary impact of choice on the state and districts could be examined. Both bills are in conference committees.

MASSACHUSETTS OPEN ENROLLMENT: 1990-1993

	Participating Districts	Interdistrict Transfers/ State's K-12 Population	Legislative Allocation	State Transportation Costs	Legislative Update
1990-91	-	-	-	-	• passed March 1991
1991-92	32/361	1,106/848,368 (0.1%)	$2.9 million	none	•reimbursement program • FY92 legislative appropriation • 75% or $5,000 cap on cost to sending districts
1992-93	61/361	3,209/861,468 (0.4%)	$7 million	none	• FY93 legislative appropriation $7 million
1993-94	-	-	-	-	-

MINNESOTA

Overview/History

In 1987, the legislature passed a voluntary statewide interdistrict choice plan. In 1989-90, this plan was made mandatory for all districts with over 1,000 students, while districts with fewer than 1,000 students could defer participation until 1990-91. All districts were required to establish policies for accepting and rejecting transfer students whereby districts can, by resolution, vote not to accept transfer students, but all must allow students to leave. To date, only one district has chosen not to accept students and did so for only one year. Intradistrict choice is at the discretion of school districts.

Key Components

Student Application/Approval Process: All districts' policies must address the following issues: 1) identify the capacity of class size, building, and district; 2) establish the statewide ***application*** deadline of January 15 or waive it and set their own beyond this date; and 3) determine the effect of transfers on desegregation plans. All districts are required to offer special needs programs for transfer students even if the program is not currently being offered. No school district can discriminate based on handicapping conditions of students. Parental complaints regarding districts' guidelines for application procedures and selection criteria are investigated by the state.

Districts may deny transfer requests to any non-resident student (only one district has done this and only for one year). Participating districts can deny transfer requests due to capacity, missing the application deadline, or disruption of desegregation guidelines.

There is ***no ceiling*** on the maximum number of students who can leave a district in a year. The state ***informs parents*** through brochures to school districts; radio messages; a 1-800 telephone number; and press releases. Each student is required to ***commit*** to one year in the receiving district; however, a student may return to the resident district mid-year if both receiving and sending districts agree.

Transportation: The responsibility for transporting transfer students is shared by parents and the receiving district. Parents are required to transport their child to the border of the receiving district; receiving districts transport children to the school site. Low-income parents are reimbursed for transportation costs. However, pending the approval of a sending district, a receiving district can transport a student from home to school—although the state does not reimburse districts for miles traveled in the boundaries of other districts. If a sending district refuses to allow other districts to provide transportation for transfer students, the decision can be appealed to the Commissioner of Education. Policy regarding transportation of handicapped students does not differ from that of other students unless transportation is described within a student's Individual Education Plan (IEP), in which case it is provided by the receiving district.

Funding: State aid for all transfer students (up to $3,600 per non-handicapped student) is paid directly to receiving districts, while locally raised revenue does not follow the student. Prior to 1993 legislation, special education students were counted in the sending district, which received general education aid for them. Receiving districts claimed the special education aid and billed all other costs to the sending district. However, as of July 1, 1993, the receiving district will count the student, receive both general and special education aid, and will bill any additional costs back to the sending district.

Racial Balance: Three large districts—Minneapolis, St. Paul, and Duluth—have desegregation plans and may refuse to allow or accept a transfer that will adversely affect its desegregation plan.

Minneapolis currently does not allow majority students to leave the district.

Athletes: There is no period of ineligibility for transfer students, although this was considered in 1993.

Annual Report/Program Findings: Parents are required to report the reason for a transfer on the resident district's application form, which is then provided to the Department of Education.

Each year the number of students transferring has increased due to the number of districts volunteering to participate and parental awareness of opportunities. This is especially evident when noting that only 137 students transferred in 1987-88 compared to 9,885 students in 1991-92.

Ongoing Issues/Legislative Activities

Since its initial passage in 1987, choice legislation has been modified several times to clarify issues. For example, in 1989, interdistrict choice was mandated for schools with at least 1,000 pupils beginning 1989-90, and for all districts, regardless of size, in 1990-91.

Legislation considered in 1993 related to the athletic eligibility of junior and senior varsity athletes. The proposed legislation would have instituted one year of ineligibility for students transferring under open enrollment and allowed students in districts under desegregation orders to transfer through open enrollment. However, this bill did not pass.

MINNESOTA'S OPEN ENROLLMENT: 1987-1993

	Participating Districts	Interdistrict Transfers/ State's K-12 Population	Legislative Allocation	State Transportation Costs	Legislative Update
1987-88	95/433 (voluntary)	137/715,762 (<0.1%)	none	$50,000	• passed in 1987
1988-89	153/433 (voluntary)	843/721,123 (<0.1%)	none	$50,000	• mandatory in 1989-90 for districts >1,000 students; 1990-91- all districts • districts able to opt out
1989-90	345/433	3,218/739,553 (0.4%)	none	$50,000	none
1990-91	430/430	5,940/749,203 (0.8%)	none	$50,000	• extension of deadline permitted
1991-92	423/423	9,885/766,647 (1.3%)	none	$15,000	• deadline waived for family relocation
1992-93	411/411	not available	none	$15,000	• special education funding changes • proposed period of athletic ineligibility • permit transfers from deseg. districts
1993-94	all	-	-	-	-

NEBRASKA

Overview/History

A statewide interdistrict choice plan, phased in over three years, was passed in 1989 with an effective date of 1990-91. Districts' participation was voluntary during the first year (1990-91) of the choice program. In 1991-92 and 1992-93, districts reserved the right to participate as a receiving district but were required to participate as a sending district. Revisions to the law occurred in each of these three years, with additional refinements being proposed by the Department of Education during the 1993 legislative session. The interdistrict choice plan will be fully implemented in 1993-94 with mandatory participation of all school districts. Legislation has dealt exclusively with interdistrict transfers since voluntary intradistrict transfers already existed.

Key Components

Student Application/Approval Process: State law permits districts to reject ***applications*** for capacity limitations, missed application deadlines, or if desegregation plans would be disrupted. When applications are rejected for any of these reasons, parents have the option of appealing the decision to the Department of Education within thirty days of notification of the rejection.

Each district defines its own capacity for accepting non-resident students by setting a maximum number of Enrollment Option (i.e., transfer) students that a district will accept in any program, class, grade level, or school building. This is calculated based upon available staff, facilities, projected enrollment of resident students, projected number of students with which the receiving district will contract based on existing contractual arrangements, and availability of appropriate special education programs. However, appeals regarding capacity reveal some schools may not be determining capacity in a standard manner.

In addition, the Department of Education has established rules to ensure fair application procedures and selection criteria. The statute specifically states that local districts cannot accept or reject applications based on a student's previous academic achievement, athletic or other extracurricular ability, handicapping condition, proficiency in the English language, or previous disciplinary proceedings. Beyond these limitations, first priority for enrollment is given to students whose enrollment would aid racial integration and to siblings of students already enrolled in the school.

The application deadline for transfer requests is January 1 for enrollment the following academic year. Schools have the option of abiding by the statewide deadline, waiving it, or extending it. Districts under a desegregation plan may limit transfers both in and out of the district; however, such school districts must adopt specific standards for handling transfer requests.

Nebraska's choice plan does not place a ***ceiling on transfers***; however, legislation required districts to permit a minimum of five percent to participate in 1991-92 and 10 percent in 1992-93. Starting in 1993-94, all restrictions are removed. The Department of Education provides ***information to inquiring parents*** via brochures and a toll-free number. Receiving districts require a ***pupil commitment*** of one year from non-resident students; however, a student may be permitted to return to the resident district if both sending and receiving districts agree to the arrangement. Enrollment Option students are not required to reapply each year.

Transportation: Nebraska was advised by legal counsel to provide transportation services for handicapped Enrollment Option students if it was required as a related service; hence, legislation in 1990 made transportation of these students the responsibility of the resident district. Neither sending nor receiving districts are responsible for transporting other Enrollment Option students; however, state funds are used to provide transportation reimbursement

to parents of interdistrict Enrollment Option students who qualify for free or reduced-price lunches. Parents are reimbursed for mileage twice a year. Distance is calculated one way only at 68 cents per mile for distances travelled over three miles. If the receiving school district provides the transportation, it receives reimbursement from the state for additional miles travelled beyond the normal route. In 1990-91, actual costs for transportation were $61,614 for 65 students; in 1991-92, costs were $251,493 for 255 students.

Funding: Nebraska's original funding method (based primarily on Foundation Aid, e.g., grants per pupil) was still in effect when the statewide interdistrict choice plan was passed by the legislature in 1989. At that point, districts with Enrollment Option students were allowed to receive funding equal to the statewide average per pupil cost from the preceding year OR the receiving district's per pupil cost from the preceding year, whichever was less. However, since participation in the interdistrict program was much higher than expected, prorated funding payments from the state were also made to districts receiving Enrollment Option students.

In 1990, the entire school finance formula was reworked whereby the amount of state equalization aid a district receives is now equal to a district's "Needs" (e.g., student enrollment count including Enrollment Option students) minus its "Resources" (i.e., local and other state revenues). Amendments were made in 1991 to tie open enrollment funding to the new State Aid Formula. The new funding method is being phased in during 1992-94, whereby a district's "Needs" are now calculated by the state to include Enrollment Option students, while a district's previously received prorated payments for these students are counted in the determination of its "Resources."

For 1992-93 and 1993-94, school districts whose "Resources" exceed their "Needs" (as determined by the State Aid Formula) do not receive any state equalization aid; however, they do receive the difference between the State Aid Formula amount per student and the prorated Enrollment Option payment previously received for these students.

Beginning in 1994-95, districts have been assured their State Aid Formula's cost per student for each Enrollment Option student served in 1992-93. For those districts not entitled to state equalization aid, they will receive state funding for Enrollment Option students calculated at either the State Aid Formula's cost per student OR the statewide average cost per student, whichever is less. No local tax dollars follow the student to the receiving district.

In conjunction with the new 1990 State Aid Formula, the legislature proposed an increase in the state's portion of districts' base funding from approximately 25 percent to 45 percent. To accomplish this, the legislature passed a bill mandating a one percent increase in the state's sales tax and a 17.5 percent increase in income tax—with the promise that all but a small portion of revenue would go directly to serving the educational needs of students. When this was challenged and placed on a referendum, the public approved the tax increases.

For implementation costs associated with choice, the Department of Education received $36,000 in 1990-91 and $37,000 in 1991-92 for monitoring transportation reimbursement and prorated payments, providing technical assistance to schools, and operating expenses and capital outlay. The staff provisions were permanently included in the Department of Education's budget beginning in 1992-93. The Department also received $40,000 for each of the 1990-91 and 1991-92 school years for processing the cost of appeals.

Racial Balance: The Omaha School District is the state's only district under a desegregation plan (court ordered until 1986, now voluntary). As such, it is permitted to limit both incoming and outgoing transfers in

order to remain in compliance with its desegregation plan. It accomplishes this by conducting a lottery after the January 1 application deadline and permitting students whose names are drawn to transfer out of the district in the proportion of three black students to every seven non-black students—roughly the same ratio which currently comprises the district.

Athletes: The original bill contained a one year period of ineligibility for athletes who transferred during their high school years; however, this was repealed by the legislature prior to the first year of open enrollment. The Nebraska School Activities Association (NASA) handles all recruitment violations, as was its duty prior to the passage of open enrollment.

Annual Report/Program Findings: Each district submits a copy of its applications to the Department of Education, which compiles prior year data in an annual report to the legislature by September 1. The report includes such information as the number of interdistrict transfers, applications rejected, and appeals; problems encountered by districts; and parents' reasons for transferring. Beginning in 1993, reasons for transferring are being gathered on a regular basis through a Department of Education survey given to parents after their child's open enrollment experience is completed, with additional questions assessing parent and student satisfaction with the programs.

The number of transfer students has increased steadily during the phase-in years as the percentage of students permitted to participate increased. Participation in 1990-91 was 567; 2,726 in 1991-92; and 4,755 in 1992-93. As of March, 1993, applications forwarded to the Department of Education for 1993-94 numbered 960. With no enrollment restrictions placed on sending districts in 1993-94, it is anticipated that growth of the program will continue.

During the course of the phase-in, parents filed several appeals regarding desegregation limitations, lack of capacity, and missed deadlines. For example, 12 appeals were filed since January, 1993, by parents not able to transfer their child due to desegregation efforts. Most desegregation appeals have either been withdrawn or dismissed—a pattern that has occurred repeatedly. In contrast, two appeals were scheduled regarding capacity and one for a missed application deadline.

Curricula offered by the receiving district have been cited by parents as the most common reasons for seeking transfers. Disaggregated by course offerings, music was listed most often since many of the school districts are too small to offer a quality music program. Other reasons for transfer requests include geographic convenience, academic competition, better preparation for higher education, school climate factors, quality of instructional personnel, extra-curricula activities offered, and school support services such as libraries. The Department of Education has postulated that some reasons are underreported due to the placement of the question on the application forms; as a counter-measure, the Department has instituted a new method of surveying parents which they hope will more accurately reflect parents' reasons for requesting out-of-district transfers.

Monthly summaries of program participation are available from Roger Hudson, Enrollment Option Program, NE Department of Education, 301 Centennial Mall South, Lincoln, NE 68509.

Ongoing Issues/Legislative Activities

"Clean-up" legislation has been proposed by the Department of Education designed to streamline the application process, delete obsolete language related to the initial phase-in period, implement a new surveying method, and allow for withdrawal of applications upon mutual agreement of both sending and receiving districts.

NEBRASKA'S OPEN ENROLLMENT: 1989-1993

	Districts Participating	Interdistrict Transfers/ State's K-12 Population	Legislative Allocation	State Transportation Costs	Legislative Update
1988-89	-	-	-	-	• passed in May 1989
1989-90	-	-	none	none	April 1990 •transfer eligibility •transportation reimbursement •transportation for handicapped students •enrollment capacity •funding formula •athletics
1990-91	voluntary - S/R na/819	567/272,982 (0.2%)	none	$61,614	•funding formula •student participation
1991-92	mandatory - S voluntary - R na/783	2,726/278,457 (1%) (districts must allow 5% of students to transfer)	none	$251,493	(Amendments to legislation of 1989-1990) •sibling preference •appeals to S district
1992-93	mandatory - S voluntary - R na/729	4,755/281,301 (1.7%) (districts must permit minimum of 10% of students to transfer)	none	$422,060 (estimate)	• DOE proposed "clean-up" to existing legislation
1993-94	fully implemented mandatory S/R	-	-	-	-

na=not available S=sending district R=receiving district

OHIO

Overview/History

Ohio's statewide plan for *mandated intradistrict* and *voluntary interdistrict* choice among participating adjacent districts was passed in 1989 with an effective date of July 1, 1993. By July, 1993, each district's policy must specify whether or not it will participate as a receiving district as part of a voluntary interdistrict choice plan with adjacent districts. In addition, districts may enroll students from non-adjacent districts and are permitted to charge these parents tuition. If a district reverses its interdistrict policy allowing transfers, existing transfer students are "grandfathered in" to prevent displacement, and parents district-wide must be notified of the change by January. When implemented, legislation will no longer allow sending districts to deny a student's request for an intradistrict transfer or an interdistrict transfer to adjacent districts. Provisions were made for districts to enact both intradistrict and interdistrict choice plans prior to the 1993 deadline, if desired.

The State Board of Education has adopted rules for districts requiring uniform application procedures, deadlines for applications, notification procedures, and recordkeeping. The Board also monitors districts to ensure compliance.

Key Components

Student Application/Approval Process: State law permits districts to reject ***applications*** for capacity reasons (e.g., class, building, program); disruption of racial balances; and lack of program offerings. The application deadline is May 1, although it can be waived upon agreement of both sending and receiving districts. Districts limit the term of transfer students to one year pending the annual review of the district's interdistrict policy, although existing transfer students are given priority when determining capacity.

There is ***no ceiling*** on the number of students who can transfer out of a district. Each district must ***provide information*** about its transfer policy and application procedures to the superintendents of all adjacent school districts and, upon request, to parents residing in an adjacent district. No specific period of ***pupil commitment*** is required.

Transportation: Parents are responsible for transporting their child (handicapped or non-handicapped) to a designated bus stop in the receiving district or directly to the school site if the district does not supply transportation. The receiving district annually reimburses parents living below the federal poverty line for the "reasonable cost" of transporting a child from the home to a designated bus stop. In 1992-93, this cost was $144 per year, which represents the state's average per pupil transportation cost.

Funding: State and local funding of education varies from 10 percent to 90 percent respectively depending on a school district's wealth. Non-handicapped transfer students are counted in the district of residence; however, a district's year-end payment from the state is adjusted to account for transfer students. In the case of handicapped students, receiving districts directly bill the sending district for excess costs. Locally raised revenue does not follow the student.

Racial Balance: Each district establishes procedures to ensure that an appropriate racial balance is maintained in its schools.

Athletes: A student athlete retains eligibility only if the resident district formally releases the student to the receiving district. Any subsequent transfer back to the resident district results in one year of ineligibility.

Annual Report/Program Findings: Although districts were not mandated to allow interdistrict transfers until 1993-94, the Department of Education was required to report preliminary transfer data to the

legislature beginning in 1990-91. In 1990-91, 23 students participated; in 1991-92, the number increased to 103; and in 1992-93, 559 students transferred. All transfer students and their parents were to be surveyed at the end of 1992-93.

A copy of the report on the three year phase-in of Ohio's open enrollment program will be available in fall, 1994, from Warner Sippola, Supervisor, Division of School Finance, Ohio Department of Education, 65 S. Front Street, Room 875, Columbus, OH 43266.

Ongoing Issues/Legislative Activities

There have been no changes to Ohio's choice legislation since it passed in 1989. However, there is a private school voucher plan included within the budget bill to be voted on by July 1, 1993.

OHIO'S OPEN ENROLLMENT: 1989-1993

	Participating Districts	Interdistrict Transfers/ State'sK-12 Population	Legislative Allocation	State Transportation Costs	Legislative Update
1989-90	-	-	-	-	• passed in July, 1989
1990-91	3/612	23/1,770,876 (<0.1%)	none	data not collected	none
1991-92	11/612	103/1,620,071 (<0.1%)	none	data not collected	none
1992-93	50/611	559/1,629,438 (<0.1%)	none	data not collected	• proposed private school voucher plan
1993-94	611/611 (policies are due July 1, 1993)	-	-	-	-

OKLAHOMA

Overview/History

The Oklahoma Education Code has permitted voluntary interdistrict choice since at least 1968. Although not commonly included in discussions of interdistrict choice, Oklahoma's longstanding practice of permitting transfers has the highest usage of any state program, with four percent of the total public school population attending schools in other districts. Intradistrict transfers occur at the discretion of school districts.

Key Components

Student Application/Approval Process: Oklahoma law differentiates between regular transfers and emergency transfers. The law does not describe what reasons for transferring are deemed acceptable for "regular" transfers; however, emergency transfers are described in detail. A transfer is considered an emergency if a school building has been partially destroyed; the sending district cannot provide a grade or subject a student requires (including science, math, and foreign language); or transportation services are not functioning. Emergency transfers are only operational for one year. In addition, special education or handicapped students do not have to be accepted if a program does not currently exist within the district.

Parents are required to complete an **application** form provided by the State Board of Education. Forms are obtained from, and filed with, the county superintendent of schools. Applications for regular transfers; must be filed by May 15 for the next school year with notification of acceptance or rejection from a county superintendent's office by June 15. Only first time transfers need the approval of both sending and receiving districts. If either district denies the transfer, it has until June 5 to show reason why the transfer cannot occur. Reasons that districts may cite for not allowing transfers are not specified in the law. Both parents and the affected districts have the right to appeal the county superintendent's decision to the State Board of Education. Regular transfer students reapply for renewal each year but only to the receiving district. Once a student is accepted in the receiving district, siblings need only have the approval of the receiving district to attend as well; however, this provision does not apply to transfers granted for emergency reasons. Although not stated explicitly in the law, State Department personnel indicate that districts do not have to accept special education transfers if the necessary program does not already exist in the district.

No ceiling exists on the number of students who can transfer in a year. Neither the State Department nor the districts are required by law to ***inform parents*** about the option of transferring districts; however, State Department personnel respond to inquiring parents. Regular transfer students are required to ***commit*** to one year of enrollment; or, in the case of emergency transfers, a year or the remainder of a year.

Transportation: Parents are responsible for transporting non-handicapped students to the receiving district's school or to the boundary (at which point, if room permits, transfer students can travel on the receiving district's bus). Since 1991, receiving districts have been permitted to travel into sending districts to transport transfer students, but this option is at the discretion of the receiving district. Transportation of special education students is the responsibility of the parents unless described in an IEP, in which case it is provided or paid for by the sending district. There is no reimbursement provided to low income parents who provide their own transportation.

Funding: The receiving district counts transfer students and state funding flows directly to the receiving district. No local money is transferred. No transfer fees or tuition are permitted except for special education students, in which case the receiving district bills the sending district for the entire cost of educating the student.

Racial Balance: Racial balance is not addressed in the legislation; however, two districts, Tulsa and Oklahoma City, have desegregation plans and limit transfers to maintain racial balance.

Athletes: The Oklahoma Secondary Activities Association is responsible for determining athletic eligibility and, in 1992, reduced the period of ineligibility for transfer students from one year to one semester.

Annual Report/Program Findings: Legislation requires that by June 25 the county superintendent of schools to provide each district and the State Board of Education with the names and grade levels of students transferred. The state board keeps a record of transfers along with the type of transfer. Emergency transfers are broken down by categories of special education, substance abuse treatment transfers, subject not offered, and grade not offered. Other than the breakdown for emergency transfers, reasons for transfers are not specified. In 1992, emergency transfers totaled 9,706 (excluding transfers that occurred because a grade level was not offered in the sending district). Regular transfers totaled 15,425.

Ongoing Issues/Legislative Activities

In 1993, the legislature eliminated the position of county superintendent of schools. As this report went to press, the reallocation of the county superintendents' responsibilities in interdistrict choice was being discussed.

OKLAHOMA'S OPEN ENROLLMENT: 1989-1993

	Participating Districts *	Interdistrict Transfers/ State's K-12 Population	Legislative Allocations	State Transportation Costs	Legislative Update
Pre-1968	-	-	-	-	• passed before 1968
1989-90	560/560	22,412/573,323 (3.9%)	none	data not collected	none
1990-91	560/560	22,516/578,648 (3.9%)	none	data not collected	• transportation into sending district • appeals process
1991-92	560/560	25,131/587,130 (4.3%)	none	data not collected	none
1992-93	560/560	na	none	data not collected	• position of county superintendent of schools eliminated
1993-94	-	-	-	-	-

* although voluntary, State personnel have no records of any district policy declaring non-participation in choice
na = not available

TENNESSEE

Overview/History

Tennessee first passed voluntary interdistrict choice legislation in 1925. Tennessee's Twenty-first Century Schools Program—a comprehensive education reform act passed in 1992— resulted in a few changes to interdistrict choice, intended to reduce paperwork. Although participation remains voluntary, all 139 districts participate. In 1992, 22,138 students transferred between districts statewide. Intradistrict transfers occur at the discretion of individual school districts.

Key Components

Student Application/Approval Process: Legislation does not specify criteria for acceptance or rejection of ***applications***. Districts determine their own application procedures and districts may set their own application deadline.

Students requesting transfers need only get the approval of the receiving district if applying at least two weeks before the beginning of the school year. If students request transfers during the school year or less than two weeks before the start of the school year, the sending district must also approve.

Tennessee's choice plan does not place a ***ceiling*** on transfers, nor does it assign responsibility for ***informing parents*** about the interdistrict choice option. However, the state Department distributed one million brochures to schools explaining each aspect of the Twenty-first Century School program, including the interdistrict choice option. A State Department phone number was also provided in the brochure for parents to call for more information. Students are not required to ***commit*** to a period of enrollment.

Transportation: Parents of non-handicapped students have the responsibility for providing transportation to the school, with no reimbursement for low-income parents. The responsibility for transporting handicapped students also rests with the parent unless transportation is described within a student's IEP.

Funding: State funding follows the student to the receiving district. Local money is generally not transferred except where "extraordinary costs exist," in which case receiving districts can arrange for the transfer of local funds. In addition, receiving districts reserve the right to charge parents tuition for the local portion of student funding, although they have the option to waive it entirely.

Racial Balance: Legislation speaks to this issue simply in stating, "Transfers authorized by this section shall be exercised within the limitations of any existing court order or plan developed to comply with the state or federal constitution." This statement applies to desegregation orders, and prohibits discriminatory selection criteria as well.

Athletes: The Tennessee Secondary Athletics Association requires transfer students to be ineligible for twelve months.

Annual Report/Program Findings: There has never been a requirement for any kind of annual report or formal data collection regarding transfers. However, the number of transfer students has been collected by the Department of Education's Office of Accountability for the last four years. During this four year period, usage of the choice program has ranged from 19,000 to 22,000 students.

Ongoing Issues/Legislative Activities

Two bills relating to interdistrict choice were considered by the legislature in 1993. The bill that passed permits districts to refuse to admit transfer students who were suspended or expelled by another district, with the exception of children in state custody. The other bill considered would have permitted districts to refuse admission

to transfer students who had been suspended or expelled specifically for possession of a deadly weapon; committing or threatening an act of violence; or, if a student had been adjudicated delinquent based on an act of violence.

TENNESSEE'S OPEN ENROLLMENT: 1925-1993

	Participating Districts*	Interdistrict Transfers/K-12 Population	Legislative Allocation	State Transportation Costs	Legislative Update
1925	-	-	-	-	• passed in 1925
1989-90	140/140	19,050/812,020 (2.3%)	none	none	none
1990-91	139/139	20,784/817,793 (2.5%)	none	none	none
1991-92	139/139	22,138/827,525 (2.7%)	none	none	• approval of commissioner eliminated
1992-93	139/139	21,961/857,435 (2.6%)	none	none	• districts permitted to refuse suspended/expelled students
1993-94	-	-	-	-	-

* State personnel have no records of any districts not accepting students, space permitting.

UTAH

Overview/History

A statewide plan was passed by the 1990 legislature implementing voluntary interdistrict transfers. However, districts were given the option to participate under this legislation OR the existing open enrollment legislation (passed in 1946), which did not include any formal application procedures or other administrative requirements. According to State Office of Education personnel, the 1990 legislation provided few benefits to schools or parents, but instead created substantial administrative burdens. Consequently, no district volunteered to participate under the 1990 legislation.

In 1992, the 1946 law was repealed in order to enforce the 1990 legislation that was slated to take effect in January, 1993. However, much concern was raised by districts over their forced participation. To minimize district opposition and improve the law, the 1993 legislature rescinded the 1990 legislation and replaced it with a new plan that combined aspects of the 1946 and 1990 legislation to take effect in May, 1993. This revised legislation requires districts to allow intradistrict and interdistrict transfers on a space available basis.

Key Components

Student Application/Approval Process: The 1990 legislation allowed districts to establish their own capacity, and students could be denied transfers due to 1) capacity; 2) program not being offered; and 3) serious discipline problems. However, this legislation was opposed by districts.

The 1993 legislation requires the State Board of Education to set school capacity. If a school is below 90 percent capacity, ***applications*** for transfer students must be accepted. If a school is at or above 90 percent capacity and anticipates student growth within the district, transfer students do not have to be accepted, but may be. Schools that are at or over 90 percent capacity are permitted to return transfer students to the sending district if it is anticipated that additional capacity will be needed for resident students. However, students accepted under the 1946 legislation are to be considered part of the enrollment count of schools and do not need to reapply under the new choice legislation.

The third reason for rejecting transfers under the 1990 legislation was altered in 1993 so that districts can accept transfer students with a history of discipline problems on a conditional contract. In addition, the legislation states that districts may deny transfers as necessary to maintain a heterogeneous population (e.g., racial balance, socioeconomic status). Students who missed the January deadline do not have to be accepted, but the district has the option of extending the deadline.

District policy generally holds that students are accepted in the following priority: 1) neighborhood students; 2) intradistrict students; and 3) interdistrict students.

There has never been a ***ceiling*** on the number of students who can transfer from a district in one year. Since 1990, districts participating in interdistrict transfers have been required to set up a procedure for providing ***information to parents*** when they inquire. This continues under the 1993 law. Students would have been required to ***commit*** to one year under the 1990 legislation and reapply each year, but not under the 1993 legislation.

The 1993 legislation provides other safeguards for transfer students that previous legislation did not. In the past, some districts raised barriers to transfer students by demanding they attend either one or two years prior to graduating and made arbitrary decisions about the acceptance of credits earned in other schools toward graduation. The 1993 legislation states that schools accredited by regional accreditation associations or the State Office of Education

cannot require more than a semester of attendance prior to graduation and all credits earned in other schools must be accepted toward graduation.

Transportation: The 1990 legislation prohibited transportation services for transfer students. In Utah, the parent has always been responsible for transporting the student to and from their residence. Under the 1993 legislation (as well as the original 1946 legislation), the parent remains responsible for transportation to and from the school; or, if there is room available on a bus, the parent must provide transportation to the bus stop. This legislation also allows the state and individual districts to decide together whether it would be cost effective to relieve overcrowding by going into other districts and provide transportation to transfer students. For example, a district in danger of school closings may find it cost effective to provide transportation for interdistrict transfers. Under all legislation, transportation for handicapped transfer students is not required.

Funding: Since 1946, a student who enrolled in a non-resident district is considered a resident of that district for purposes of state funding; however, under the new 1993 law, the sending district pays one-half of each transfer student's expenditure that is above the value of the state's contribution to the receiving district.

Racial Balance: With rare exceptions, nothing is done to control population balances because the minority percentage is so low (8.2%).

Athletes: The Utah High School Activities Association declares athletes who choose to transfer to be ineligible for one year.

Annual Report/Program Findings: No district was required to submit an annual report under the 1990 legislation. The 1993 legislation requires districts to report the number of transfer students to the State Office of Education, which is then included in their annual summary to the legislature.

As mentioned, no districts participated under 1990 legislation. The interdistrict transfers that occurred are based on the 1946 legislation, and these numbers have not been systematically tracked over time. State Office of Education personnel estimate that interdistrict transfers for the 1992-93 school year were approximately 7,000.

Ongoing Issues/Legislative Activities

One choice issue which reoccurs regularly in Utah are voucher proposals. In the 1993 legislative session, three separate public, private, and parochial school voucher systems were proposed, but none went as far as the full House or Senate.

UTAH'S OPEN ENROLLMENT: 1989-1993

	Districts Participating *	Interdistrict Transfers/ State's K-12 Population **	Legislative Allocation	State Transportation Costs	Legislative Update
1989-90	40/40	-	none	-	• passed in 1990
1990-91	40/40	na/444,732	none	data not collected	• minor amendments
1991-92	40/40	na/452,218	none	data not collected	• repeal of 1946 law • mandatory district participation
1992-93	40/40	(estimate) 7,000/461,259 (1.5%)	none	data not collected	• repeal 1990 law • new law passed
1993-94	-	-	-	-	-

* No districts used the 1990 legislation. Instead, all districts operated under the original 1946 legislation governing open enrollment. All data presented are based on 1946 legislation.

** The number of interdistrict transfers has not been systematically recorded.

na not available

WASHINGTON

Overview/History

In 1990, the legislature passed a multifaceted "Learning by Choice" measure which included several choice components. One component required districts to permit intradistrict transfers by 1990-91 and establish policies detailing rational, fair, and equitable procedures. A second component—related to interdistrict transfers—provided three conditions by which districts could accept and reject transfer students. A provision in the legislation allowed districts to continue their practice of charging parents a transfer fee (i.e., tuition) for each interdistrict transfer student.

Prior to 1990, receiving districts accepted transfer students by making arrangements with a student's resident district. However, there was no mechanism to ensure fair application of procedures and criteria.

Key Components

Student Application/Approval Process: State law requires resident districts to release students under three conditions only: 1) if a financial, educational, safety, or health condition exists for the student that would likely be reasonably improved due to the transfer; 2) if the receiving school is more accessible to the parents' workplace or to childcare; or 3) if there is a special hardship or detrimental condition. Districts are not required to permit a transfer that would adversely affect their desegregation plan, but they must accept special education or handicapped transfer students even if no program currently exists. Students whose ***applications*** are denied can appeal to the Superintendent of Public Instruction's office.

There is ***no ceiling*** on the number of students who can depart from a district in a given time period. The state annually distributes a brochure to every school, district office, and public library ***informing parents*** of the enrollment options available. Local districts are responsible for establishing the length of time to which a student ***must commit*** when requesting a transfer.

Transportation: While parents of non-handicapped students are responsible for transporting their children to the receiving district's border (or to the school if existing bus routes are not available), only low-income parents are reimbursed on a per mile basis. However, if either a sending or receiving district provides transportation, it is eligible for state reimbursement. It is the responsibility of the receiving district to transport special education and handicapped students from the sending district.

Funding: The state dispenses funds monthly to receiving districts based on the transfer student's resident district allotment of state aid. In addition, receiving districts can charge parents a transfer fee to offset the difference between the average cost of educating a student in the district and the amount the school district receives from the state (i.e., the local portion of funding which does not follow the student). The only state requirement is that the fees be applied uniformly for all nonresident students. In 1992-93, 31 of 296 districts charged a transfer fee ranging from $150 to $1,540. While there is a provision in the law that allows the Superintendent of Public Instruction to pay the transfer fees for low-income students, no funds have been appropriated for this purpose. However, the 1993 legislature eliminated the charging of transfer fees.

Receiving districts include special education transfer students in their enrollment count and receive funding for them. The sending district is not responsible for any costs associated with special education students who transfer to other districts.

Racial Balance: School districts with a desegregation plan may deny a student's transfer request if the release would

adversely affect the district's desegregation efforts.

Athletes: The Washington Interscholastic Activities Association has a policy that declares transfer students ineligible to participate in athletic competitions for one year. However, exceptions to this policy are possible.

Annual Report/Program Findings: An annual statewide report, published by the Superintendent of Public Instruction's office, contains information regarding 1) the number of, and reasons for, transfer requests; 2) the number of, and reasons for, denial of requests; and 3) the impact open enrollment has had on their education program. Other summative analyses are also included.

In 1990-91, the first year of the program, 8,791 interdistrict students participated. This number increased to 9,940 in 1991-92 and to 11,746 in 1992-93—a 34 percent increase in participation over the first year. Intradistrict transfers, in 1990-91 were 20,332; in 1991-92, participation rose to 24,017; and increased further to 31,478 in 1992-93—an increase of 55 percent over the first year.

The 1992 annual report indicated that parents' reasons for requesting transfers were related to 1) educational programs (31%); 2) location of childcare (21%); and 3) proximity to parents' workplace (16%). Approximately two-thirds of all districts reported that transfer students had little or no impact on their program offerings.

The annual report is available from Susan Patrick, Legislative Liaison, Superintendent's Office, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200.

Ongoing Issues/Legislative Activities

The most significant outstanding issue has continued to be the charging of transfer fees to non-resident parents. In 1992, legislation was unsuccessful in prohibiting these fees. However, transfer fees were successfully eliminated during the 1993 legislative session.

WASHINGTON'S OPEN ENROLLMENT: 1990-1993

	Participating Districts	Interdistrict Transfers/ State's K-12 Population	Legislative Allocation	State Transportation Costs	Legislative Update
1990-91	296/296	8,791/795,400 (1.1%)	-	-	• passed in 1990
1991-92	296/296	9,940/823,000 (1.2%)	$200,000 for brochures in 1991-93	data not collected	• attempted to eliminate transfer fees
1992-93	296/296	11,746/894,748 (1.3%)	-	data not collected	• elimination of transfer fees
1993-94	-	-	-	-	-

WISCONSIN

Overview/History

Wisconsin has two limited forms of choice: One promotes *intradistrict* racial integration in four urban districts (of which Milwaukee is one) and *interdistrict* racial integration between Milwaukee and 23 surrounding suburban school districts. The second is a limited private school choice program for Milwaukee. No other formal intra- or interdistrict programs (voluntary or mandatory) exist. While this report focuses on the components of Milwaukee's Parental Choice Program, a history of both forms of choice is provided.

Both intra- and interdistrict programs were created and funded by the state in response to a 1975 federal court order for four Wisconsin school districts to desegregate. Consequently, Wisconsin established a limited form of public school choice in 1976 designed specifically to promote racial integration, referred to as the "Chapter 220" program. This *intradistrict* program permits student within the Milwaukee School District—and three other urban school districts in the state—to transfer to other public schools within their own districts to promote racial integration. From 1976 to 1984, Milwaukee's intradistrict choice option was not effective in dealing with the court-order to desegregate. As a result, Milwaukee School District encouraged its students to transfer to adjacent suburban districts. Concern over the rate of Milwaukee's progress and the uneven participation of its neighboring suburban school districts' acceptance of minority students prompted the Milwaukee Public Schools, NAACP, and Milwaukee parents to launch a suit against the 24 surrounding suburban school districts in 1984. The purpose of the lawsuit was to force the suburban districts to take a larger percentage of Milwaukee's minority student population. An out-of-court settlement was reached in 1987 in which the 23 neighboring school districts (one of the 24 districts was excused from the suit) agreed to voluntarily make a "good-faith" effort to take a percentage or a fixed number of Milwaukee's minority students. Currently, the Milwaukee School District and 23 surrounding suburban districts are involved in an *interdistrict* integration program that permits students to transfer either in or out of the Milwaukee School District—thereby promoting racial integration. While the suburban districts agreed to participate in this program only until June, 1993, an extended agreement is expected, based on current practices.

The issue of statewide school choice surfaced in 1989 when Governor Thompson's 1989-91 biennial budget request to the state legislature included two choice programs: a statewide public school choice program and a limited private school choice program for Milwaukee. Although these proposals were not included in the budget passed by the legislature, a version of the governor's private school choice proposal was introduced by Representative Polly Williams and passed into law in 1990. Known as the Milwaukee Parental Choice Program, it permits one percent of the district's low-income students (who meet specific criteria) to transfer to participating private, nonsectarian schools within the district. Originally proposed as a five year pilot, the governor used his line item veto to remove the sunset date, thereby making the program permanent.

The Parental Choice Program was controversial from the start. Although the legislation drew support from both a liberal and conservative contingent that believed something drastic should be tried because of the poor academic performance of Milwaukee's students, a number of concerns were raised about the program. Common to both legislators and the public alike, many disliked the notion of public money going to private institutions. Also of concern was the lesser degree of accountability facing the participating private schools than the public school system. No sooner was it passed than a lawsuit was filed regarding the constitutionality of the program. Despite the suit, the program was implemented as

planned in 1990. In 1991, the constitutionality of the program was upheld by Wisconsin's Supreme Court.

Key Components of the Milwaukee Parental Choice Program

Student Application/Approval Process: State law specifies that ***participating private schools*** cannot allow the number of transfer students each accepts to exceed 49 percent of the tuition-paying student body. The application process requires parents to apply directly to the participating private school of their choice.

Each participating private school defines its own capacity and must take all applicants if space permits—even if it does not offer the program or services necessary to meet the student's needs. However, districts are under no obligation to offer the necessary program. If the number of applicants exceeds the private school's capacity, a random selection procedure is used, such as a lottery. Preference is given to siblings already enrolled in a participating private school.

The ***ceiling on transfers*** to participating private schools is established annually at one percent of Milwaukee School District's prior year enrollment. In 1991-92, the district's membership was 95,000; therefore, 950 students were eligible to transfer to participating private schools in 1992-93.

The State Superintendent of Public Instruction is responsible for ***informing parents and Milwaukee's public schools*** of participating private schools. These private schools also disseminate information through press releases and advertisements in English and minority-language newspapers; however, disseminating information about the option is not their express responsibility. There is no minimum ***pupil commitment*** requirement to which transfer students must agree.

Transportation: Milwaukee, as one large school district, has always provided transportation for its students whether they attended a public or private school; this has not changed. There has been no attempt to determine the transportation costs associated with the Parental Choice Program.

Funding: Each participating private school is paid directly by the state an amount equal to the state aid per student paid to the Milwaukee Public Schools, which, in 1992-93, was approximately $2,745 for every eligible transfer student. No tuition can be charged to parents of students attending these schools.

Racial Balance: The issue of achieving or maintaining a racial balance is not a focus of this program, nor has it been addressed. The intent of the program is to enable low-income families to send their children to private schools which otherwise would not be within their financial reach.

Athletics: The Parental Choice Plan has not had an effect on athletes' eligibility based on residency because none of the students who transferred were athletes. However, the Department of Public Instruction acknowledges that it may be just a matter of time before there is a conflict over students' eligibility since both the private and public schools have their own athletic associations.

Annual Report/Program Findings: The state superintendent of Public Instruction is responsible for submitting an annual report to the legislature. It compares students attending private schools in Milwaukee under the Parental Choice Program with students attending Milwaukee's public schools on a number of criteria: academic achievement, daily attendance, percentage of dropouts, suspensions, expulsions, and parental involvement activities.

A second evaluation of the Parental Choice Program is being conducted annually by researchers at University of Wisconsin-Madison at the request of the State Superintendent. Due to the small number of students in the program and subsequent attrition, the evaluators report that, to date, achievement gains of students participating in

the program versus those remaining in Milwaukee's public schools are inconsistent over the two years and over subject areas; consequently, no clear trends were described by the evaluators. On the other hand, parental attitudes and involvement were reported to be very positive about every aspect of the education children were receiving at the private schools—when compared to the public schools the students were attending previously. The top two reasons parents gave for choosing to use the private school program were the quality of the private school and the disciplinary environment of the school.

Student enrollment has increased steadily from 341 (1990) to 521 (1991) and 613 (1992); applicants exceeded participating private schools' capacity in certain grade levels by 236 in 1990; 168 in 1991; and 357 in 1992. Of the 18 private non-sectarian schools in Milwaukee, participation has fluctuated. In 1990, 7 schools participated; in 1991, 6 participated; and, in 1992, 11 schools took part.

Attrition from the program was considered high during the initial two years (46.5 percent and 35.0 percent, respectively). The high rate in the first year was attributed, in part, to the mid-year closing of one private school. The external evaluators believe that parents may also have been reluctant to retain their students in the program because of the continuing legal challenges regarding the constitutionality of the program. However, excluding the attrition resulting from the closure of the private school, preliminary analysis indicates that, over the first two years of the program, attrition did not appear to differ substantially from attrition in the public school system. The authors of the evaluation advise other states to exercise caution in using the preliminary evidence from Milwaukee's Private School Choice Program to enact a similar program.

A copy of the annual report is available from Bambi Statz, Division Administrator, School Finance, State of Wisconsin, Department of Public Instruction, 125 S. Webster St., P.O. Box 7841, Madison, WI 53707-7841.

Ongoing Issues/Legislative Activities

In 1993, the state superintendent proposed a set of recommendations regarding the Parental Choice Program. The first recommendation is the inclusion of a 1995 sunset date to the current program so that, prior to reauthorizing the program, legislators may review the Legislative Audit Bureau's full financial and performance audit. Second, requirements to improve the accountability of participating private schools included in the program were recommended in an effort to avoid potential mid-year school closures, such as the one that occurred in 1991. In addition, a statewide interdistrict public school choice plan was recommended.

The governor has proposed the following changes in the 1993 legislative session: 1) increase student participation from one percent to two percent of Milwaukee Public Schools' enrollment; 2) increase the number of transfer students accepted by participating private schools to constitute 65 percent of the tuition-paying student body (up from 49 percent); and 3) create accountability checks for private schools. It is believed by others in Wisconsin that the changes to the Parental Choice Program's accountability are needed, although there is less agreement as to the expansion of the program. A public school open enrollment bill could be introduced in the 1993 session; however, in a tight fiscal year, it is not seen as a major item to be moved forward.

WISCONSIN
MILWAUKEE PARENTAL CHOICE PROGRAM: 1989-1993

	Private Schools Participating	Private School Transfers/ Milwaukee K-12 Membership	Legislative Allocation	Transportation Costs *	Legislative Update
1989-90	-	-	none	data not collected	• legislation passed April 1990
1990-91	7	341/94,619 (0.4%)	none	data not collected	-
1991-92	6	521/95,020 (0.5%)	none	data not collected	-
1992-93	11	613/95,311 (0.6%)	none	data not collected	• proposed student participation increase to 2% • increase of tuition paying students from 49% to 65% • private school accountability
1993-94	-	-	-	-	-

* Transportation is provided for all Milwaukee students whether they attend a private or public school.

APPENDIX C

STATES WITH LIMITED FORMAL LEGISLATION/OR WITH LEGISLATION CONSIDERED IN 1993

States with Limited Formal Legislation:

All 12 states featured here have some form of intra- and/or interdistrict choice governed by legislation that can be categorized as "limited" for several different reasons. For example, some states limit school/district eligibility dependent on some characteristic such as being declared "at risk" or "in crisis," while other states grant individual participation only to students who meet very specific criteria or request transfers for very limited reasons. Finally, legislation in yet other states addresses choice in such a minimal manner that almost all provisions of participation are left to the discretion of school districts. Consequently, states with legislation that fall into these categories are described briefly in this appendix.

The terms "voluntary" and "mandatory" as used below refer specifically to the *limited* formal programs profiled in this appendix. As in the rest of the report, the term "informal" refers to choice that is not governed by any legislation.

States That Considered Legislation in 1993:

In addition to those states noted with asterisks, the four states listed below also considered enacting intra- and/or interdistrict choice legislation in 1993; however, the states below have no existing formal legislation, but instead have permitted intra- and interdistrict transfers on an informal basis.

- Illinois
- New York
- New Jersey
- North Dakota

State:	Status of Choice: Intradistrict	Interdistrict
Alabama	voluntary *	voluntary *
Arizona	voluntary	voluntary
Indiana	informal	voluntary
Kentucky	informal/mandatory	informal/mandatory
Maine	informal	voluntary
Michigan	mandatory (on-hold)	informal
Missouri	informal	informal/voluntary *
Montana	informal	voluntary *
New Mexico	mandatory	mandatory
Oregon	voluntary	voluntary
Pennsylvania	informal	voluntary *
Vermont	voluntary	voluntary

* Major revisions to existing choice legislation were considered in 1993.

ALABAMA

Legislation was passed in 1991 to provide parents and students with a greater choice in the kinds of public educational programs available *within the resident district*. This voluntary intradistrict legislation authorizes a district to develop, adopt, and implement a "Schools of Choice" plan for use within its respective school system. This plan can be implemented by 1) a resolution of the county or city board of education; or 2) a referendum called by a resolution of the county or city board of education and approved by a majority of the voters residing within the geographic jurisdiction of the county or city board of education. All plans must be in full compliance with applicable federal and state constitutional, statutory, and administrative provisions of law.

Once a district adopts a "Schools of Choice" plan by resolution or referendum, it must notify the state superintendent of education, who in turn must submit an annual "Schools of Choice" report prior to August 1 of each year to the State Board of Education. This report contains a list of every participating district with an accompanying summary of the contents of each particular plan. No data is collected regarding the usage of the programs by resident students who live outside the normal attendance zones of the schools. The state superintendent is responsible for recommending the development, adoption, or implementation of all existing or future "Schools of Choice" plans. Special provisions prevent schools from using the plan to reduce the racial ratio of any school. In addition, the State Board of Education must adopt standards for a mandatory and enforceable attendance policy for all students in public schools, since such policies for schools differ from district to district.

"Schools of Choice" plans may include, but are not limited to further development of alternative academic programs; magnet programs; vocational schools; fine arts curricula; gifted student programs; post-secondary early option programs; programs such as the Alabama High School for Math and Science, and the Alabama School of Fine Arts; and any other programs that improve and enhance education.

In 1991-92, a total of 12 districts (out of Alabama's 129 districts) offered schools of choice programs. Three districts offered gifted programs to a total of 2,161 students, while an additional three offered performing arts programs to 1,834 students. Finally, six districts offered alternative academic programs to 12,977 students.

Interdistrict choice is not governed by legislation but is permitted upon mutual agreement of school districts. No data is collected at the state level to reveal how widely used this option is.

ARIZONA

Existing Arizona statutes allow the movement of students between and within districts. Although districts are under no obligation to admit non-resident students, they may do so on whatever terms they adopt. Some districts require non-resident students to pay tuition; others simply accept them on a space-available basis. In addition, although not directly stated in law, school districts cannot prevent a child from leaving the district of residence to seek enrollment in another district. However, within a few districts, court ordered desegregation may prevent students from leaving if it adversely impacts racial balance. In 1992, 10,115 out of a student population of 683,648, transferred *between* districts. Intradistrict transfers are also at the discretion of school districts. In 1992, 29,971 students transferred to other schools *within* their resident districts.

A controversial education reform bill was introduced in 1993, which included provisions for both intradistrict and interdistrict choice as well as a private school voucher program. The bill included sizable financing and was tabled

for 1993 so that budgetary considerations could be more fully explored.

ILLINOIS

Both intradistrict and interdistrict transfers occur informally at the discretion of districts. Private school choice programs have been proposed in Illinois since the mid-1980s, and interest in a formal private school choice plan resurfaced again in 1993. A Senate bill proposing the creation of a four year private school choice pilot program passed the full Senate by a small margin, but died in the House Education Committee. The bill, if passed, would have provided 2,000 low-income students in the Chicago school district with scholarships to attend participating private schools (either sectarian or non-sectarian) of their choice. Scholarships were to consist of 40 percent of the average per pupil amount of school districts in cities with over 500,000 residents in the preceding year. The maximum scholarship was to be the lesser of either the school's tuition or $2,500. Transportation to private schools was to be the responsibility of the Chicago Public Schools. This bill lasted longer than any previous efforts to create a voucher program.

INDIANA

Intradistrict transfers occur at districts' discretion, while interdistrict transfers have been permitted by law since 1976 under certain conditions. Specifically, there are four reasons for which transfers are permitted: 1) a particular curriculum needed to prepare a high school student for his or her career aspirations is not offered in the resident district; 2) crowded conditions in the resident district interfere with learning, and the receiving district is less crowded; 3) attendance in another district would substantially decrease a student's risk of physical illness; and 4) the school of attendance in the resident district is not accredited by the State Board of Education, and the school the student would attend in the non-resident district is accredited. Tuition is paid by the sending district if it approves the transfer request; however, transfers may occur without approval of the sending district provided that parents pay full tuition. Students who are placed in institutional care, by court order or a state/county Department of Public Welfare office, are permitted to attend a school in the district in which the facility is located. In such cases, the county pays tuition. The sending district pays tuition for students placed in institutional settings by their parents. It was noted by State Department of Education personnel that, although permitted in the law, the conditions which must be present to necessitate an interdistrict transfer are so limiting that the option is rarely used. No data is collected regarding usage, but it is estimated that there are less than one hundred annual interdistrict transfers statewide.

KENTUCKY

Although intradistrict and interdistrict transfers occur informally in Kentucky at district discretion, the Kentucky Education Reform Act of 1990 requires districts to permit intra- and interdistrict transfers when a school is declared "in crisis" (i.e., a five percent decline in successful students in any two year period). When this occurs, a principal must notify parents of their right to transfer. The superintendent of the district in which the school in crisis is located chooses a successful school within the district or, if space is not available, arranges for a transfer to another district (for which the sending district absorbs the cost).

MAINE

No legislation governs intradistrict transfers, but they do occur at district discretion. There are two separate arrangements under which students in Maine may transfer to other districts. One arrangement (made necessary because half of Maine's students attend districts which serve

only K-8 students) involves students transferring to private schools when there is no available public high school. Students are often tuitioned out to local private non-sectarian schools which are approved by the state. In 1992, approximately 8,000 students attended private schools under this arrangement with tuition arrangements governed by legislation.

A second arrangement, used less frequently is addressed in legislation and referred to as the "superintendent's agreement." Superintendents can approve student transfers from one district to another if they find that 1) a transfer is in the student's best interest, and 2) the student's parents approve. This arrangement is completely at the districts' discretion. There is no appeals process for parents denied transfers. No tuition is allowed, and students are counted in the receiving district for funding. Approximately 430 students transferred under this arrangement in 1992.

In the 1993 legislative session, a private (non-sectarian) and public school choice plan was considered; however, it did not pass.

MICHIGAN

In 1991, the Michigan legislature enacted a statewide *intradistrict* choice plan with an effective date of 1992-93. However, the original 1992 implementation date of the program was postponed until transportation allocations could be agreed upon. The decision to reinstate the 1991 legislation for the upcoming year depends on budget deliberations this year. When enacted, districts will be required to develop intradistrict choice plans unless they meet the exemption requirement. To be exempt, districts must have had some form of choice in place before October, 1991. All other districts will be required to organize a choice planning committee, which includes parents, and subsequently offer intradistrict choice. The 1991 legislation states that districts' future state education funding will be contingent upon their compliance with this legislation. Interdistrict transfers are informal, occurring upon mutual agreement of districts.

MISSOURI

In 1990, legislation permitting interdistrict choice *for summer school purposes only* was enacted. Districts, independent of legislation and at their own discretion, may allow both intradistrict and interdistrict transfers. The 1993 legislature considered two choice-related bills. The first bill called for creating an interdistrict enrollment option plan whereby school districts would voluntarily establish cooperative transfer agreements; however, this bill was never scheduled for a hearing.

The second bill, as originally proposed, would have created a voluntary interdistrict choice system to diminish racial isolation. Districts volunteering to receive students from districts with minority student enrollment of over 25 percent would have been permitted to count each transfer student twice for purposes of funding. This bill passed the full House and Senate Education Committee, but not before it was completely transformed. The version that passed authorizes a task force to study the issue of desegregation, propose solutions that would satisfy a federal court- ordered desegregation, and lessen the cost to the state. Currently, Missouri, under court order, must allocate ten percent of the state's total general revenue to capital improvement within the St. Louis/Kansas City School District. This fact drove the evolution of this bill. As of June, 1993, the bill was awaiting the signature of the governor.

MONTANA

Montana's education code provided for open enrollment as early as 1947 under what are referred to as "out-of-district attendance agreements." The existing code specifies the criteria districts use for accepting and rejecting

transfer (out-of-district) students and the tuition arrangements for such students. Transfer students were counted in the receiving district for state funding. Receiving districts formerly charged tuition equal to their per pupil amount raised locally. Intradistrict transfers are not an issue as most districts only have one school.

In 1993, Montana's legislature passed an interdistrict choice plan that standardizes rules and procedures for both elementary and high school districts. Some logistics of interdistrict choice are left to the discretion of the district. The new legislation differentiates between discretionary transfers and those which are necessitated by certain conditions and, thus, are mandatory. Reasons for mandatory transfers include a child's proximity to the non-resident school as opposed to their resident school; road or geographic conditions which make it impractical to attend the resident school; situations in which one sibling attends a high school outside the elementary district and transportation could be more easily arranged for the younger child to attend outside the district; and finally, a student placed in a youth care facility or a group home which is located in the non-resident district.

An application approval and appeal process is clarified in the new legislation. A flat tuition rate per district size category is to be calculated at the state level based on prior year district enrollment figures, expenditures, and revenues. Receiving districts are allowed to charge sending districts the tuition rate for each transfer student; however, if this fee is waived, it must be waived equally for all students in a district. Discretionary transfers may have tuition attached to them, however, if the receiving district waives tuition, the approval of the sending districts is not required. Approval of the sending district is also not required if the parent opts to pay the tuition. Transportation arrangements must be agreed upon at the time the out-of-district agreement is approved. The determination of which district provides transportation is to be worked out in the agreement unless the transfer is deemed mandatory in which case the sending district provides transportation.

Special education students may attend another district or even out of state if an appropriate program is offered. The responsibility for tuition is dependent on the circumstances of the transfer request. However, in cases where a transfer has been agreed by the sending and receiving district, the district of residence remains responsible for the portion of funding not covered by the state.

NEW JERSEY

Currently, both intradistrict and interdistrict transfers occur informally in New Jersey. A voluntary interdistrict choice bill was proposed in the House in March, 1993, but as of this writing, was not scheduled for a hearing. The provisions of the bill call for creating a four year public school choice pilot program limited to urban districts designated as "special needs." Districts would be responsible for setting their capacity to receive students. The receiving district would receive state funding either in the amount of 85 percent of the sending district's state funding per pupil, or 50 percent of the local levy per pupil, whichever is greater. Any additional funding would be allocated directly to the receiving district. Pupils with severe disabilities would not be entitled to participate under this choice plan. Transportation would be provided by the receiving district, but paid for by the sending district, which, in turn, would be eligible to receive state transportation aid.

NEW MEXICO

Intradistrict and interdistrict choice are both addressed in 1978 legislation. Districts must permit transfers on a space available basis. All provisions regarding transportation,

application procedures, and deadlines are the responsibility of individual districts and are made explicit in their own policies. When data was last collected in 1990, there were 7,085 intradistrict transfers and 1,699 interdistrict transfers. The legislation prohibits districts from charging tuition for transfer students since approximately 92 percent of funding in New Mexico is paid by the state. Although tuition is permitted for out-of-state students attending schools in New Mexico. In addition, New Mexico educated 484 students in 1992 whose residence is in Mexico. The state absorbs the cost for these students.

NEW YORK

Individual school districts permit intradistrict and interdistrict transfers at their own discretion. In the last year, New York City has approved their own interdistrict choice plan, which--because of the size of the district--could grow to be the largest program in the country. However, no legislation governs district participation. As of June, 1993, two bills regarding choice in New York were under consideration in the Senate Education Committee. The first, referred to as the Education Equity Demonstration Program bill, would provide a partial voucher allowing students in schools which have been identified as poorly performing to attend either the public, private, or parochial school of their choice within defined areas of New York City. The second bill, referred to as the Education Voucher Demonstration Program, would allow four districts within New York City to provide a partial voucher to allow students to attend either the public, private, or parochial school of their choice within their own district or other districts.

NORTH DAKOTA

Districts may allow intradistrict and interdistrict transfers at their own discretion. In 1993, an interdistrict choice bill was passed by the legislature. The new law requires both sending and receiving districts to adopt standards for accepting and rejecting applications, which may include capacity. However, no district can refuse a transfer if the denial would result in siblings attending different school districts. Sending districts are under no obligation to provide transportation to transfer students. For purposes of funding, students will be counted in the receiving district. To prevent excessive financial losses to districts, a maximum of 20 percent of a district's students will be eligible to transfer.

OREGON

The issue of open enrollment/choice was addressed as part of a major reform bill approved by the legislature in Spring, 1991. The adopted open enrollment/choice provisions will be available in 1994-95 as an option *only* to those students who require additional support as determined through a new state assessment system.

Beginning in FY 1994-95, the resident district will be accountable for each student's satisfactory progress toward achieving the state established mastery standards or for finding alternative learning environments (with the concurrence of the student's parents/guardian). If at any point a student is not making satisfactory progress toward attainment of the standards at grades three, five, eight, and ten (including the Certificates of Initial Mastery and Advanced Mastery), the school district shall make additional services available to the student that may include, but not be limited to, the following: 1) a restructured school day; 2) additional school days; 3) individualized instruction and other alternative instructional practices; and 4) family evaluation and social services as appropriate. If the student to whom additional services have been made available fails to demonstrate the knowledge and skills required at the mastery level within one year, even though the student would be or is promoted to the next level, *the student shall be allowed to transfer* to another public school in

the district or to a public school in another district *that agrees to accept* the student.

The receiving district will count the student as a resident for funding purposes and receives an amount equal to the district expenses from its local revenues for each student in average daily membership, payable by the resident district in the same year. In addition, any state and federal funds the receiving district is entitled to will also follow the student. The actual usage of this provision has not been tracked to date.

PENNSYLVANIA

Since Pennsylvania's education code was last recodified in 1949, districts have been permitted to allow interdistrict transfers but are not required to accept transfers. Tuition may be charged for any transfers, and all provisions regarding the interdistrict transfer process are under control of the districts. The Pennsylvania Department of Education has not kept track of the number of such transfers for several years. Intradistrict transfers are permitted at the discretion of districts.

A limited form of school choice was proposed in the 1993 Academic Bankruptcy bill. It is intended to offer limited school choice for students in academically distressed districts, but no hearing has been scheduled for this bill. Voucher bills which would include public, private, and parochial schools, have been proposed in both the House and Senate but were not scheduled for hearings as of June, 1993.

VERMONT

Longstanding legislation allowed only those parents within school districts *lacking a high school facility* to 1) choose a state approved nonsectarian private school anywhere in the state, another state, or outside the country; or 2) choose a public school anywhere in Vermont or an adjoining state. This original statute still exists today, but it has been expanded to cover areas *lacking an elementary school*, with minor differences. High school tuition is paid to the receiving school in the amount equal to the average union high school tuition. Elementary tuition is paid to the receiving district in the amount of either 1) the average tuition of Vermont union elementary schools for the year of attendance, or 2) the tuition charged by the public elementary school attended by the greatest number of the district's students. In addition, at the elementary level, the receiving school is chosen by the board, not the parent. Private schools are only included among the possible schools if the electorate has voted to approve such inclusion. Each school district has the option to provide transportation to its students. If transportation is provided, the district may receive state aid. Each district may also reimburse a parent or the receiving district for transportation costs, in whole or in part.

Intradistrict and interdistrict transfers are not limited to situations in which a school with the necessary grade level is not maintained by a district. Within the same legislation, both elementary and high schools may transfer students to a public school in another district upon request of the parent or guardian if the board believes the student's education may be more conveniently furnished there; however, the final decision rests with the receiving school board. In this instance, sending districts continue to count the student and receive funding, which is then forwarded on to the receiving districts.

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